

Meeting Notice
Missouri State Board of Embalmers and Funeral Directors

September 14-15, 2016

(LOCATION UPDATED)
Hampton Inn
4800 Country Club Drive
Jefferson City, MO 65109

Notification of special needs as addressed by the American with Disabilities Act should be forwarded to the Missouri State Board of Embalmers and Funeral Directors, P.O. Box 423, 3605 Missouri Boulevard, Jefferson City, Missouri 65102 or by calling (573) 751-0813 to ensure available accommodations. The text telephone for the hearing impaired is (800) 735-2966.

Except to the extent disclosure is otherwise required by law, the Missouri State Board of Embalmers and Funeral Directors is authorized to close meetings, records and votes, to the extent they relate to the following: Sections 610.021(1), (3), (5), (7), (13) and (14), RSMo, and Sections 324.001.8 and 324.001.9 RSMo.

The board may go into closed session at any time during the meeting. If the meeting is closed the appropriate section will be announced to the public with the motion and vote recorded in open session minutes.

Agenda is attached.

State Board of Embalmers and Funeral Directors

September 14-15, 2016

Hampton Inn
4800 County Club Drive
Jefferson City, Missouri 65109

OPEN AGENDA

September 14, 2016– 1:00p.m.

1. Call to Order
2. Introduction of Newly Appointed Board Members
 - *Brad Speaks and Scott Meierhoffer*
3. Roll Call
4. Review and Approval of Agenda
5. Vice Chairman Election
6. Recognition/Introduction of Recently Licensed Licensees In Attendance
- 4.(Tab 1)Executive Director Report
 - Financial Report
 - Licensee Reports (new, closed/ceased, disciplined)
 - Upcoming Conferences –
 - Federation of Associations of Regulatory Boards – January 26-29, 2017
- 5 Legal Counsel Report
- 7.(Tab 2)Approval of Open Minutes
 - April 7, 2016 Financial Examination Committee Minutes
 - June 14-15, 2016 Board Meeting Minutes
 - June 30, 2016 Rules Committee Minutes
 - June 30, 2016 Board Meeting Minutes
- 8.(Tab 3)St. Louis Community College at Forest Park Academic Plan for Funeral Directing-Certificate of Specialization
- 9.(Tab 4)Review of Proposed Regulations/Information Related to Regulations –
 - 20 CSR 2120-2.100 Fees (included scenario 2 Financial Projections)
 - 20 CSR 2120-2.010 Embalmer’s Registration and Apprenticeship – includes verbal report on examination providers as requested from 6/30/16 meeting
 - “What Constitutes Adequate Records for a Seller”
 - Proposal by William Stalter “Seller Fees and Charges on Trust Funded Preneed Contracts”
- 11.(Tab 5)Financial Examination Handbook Update
11. Open Session/Discussion
12. CLOSED

September 15, 2016

13. CLOSED

**Board of Embalmers
Financial Statement - FY 2016
as of June 30, 2016**

	Year-To-Date	Projected	Remaining
FY 2016 Beginning Fund Balance	2,934,077.37		
Revenue	967,678.50	882,745.00	(84,933.50)
Expense and Equipment	163,738.06	164,200.00	461.94
Total Transfers & Licensure System	706,241.33	866,712.70	160,471.37
Ending Fund Balance	3,031,776.48		

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	
	FY 2016 Actual																FY 2016 Projections	
	July	August	September	October	November	December	January	February	March	April	May	June	July	YTD Total	Projected	Remaining (Projected-YTD Total)		
1	Embalmers - 0633																	
2	FY 2016 Monthly Fund Balance Sheet																	
3																		
4	Beginning Fund Balance	2,934,077.37	2,854,935.84	2,778,542.43	2,751,837.31	3,240,475.14	3,223,458.86	3,175,150.46	3,115,259.06	3,061,743.90	3,080,149.87	3,083,363.35	3,031,776.48	967,678.50	882,745.00	(84,933.50)		
5	Revenue	4,180.00	7,105.00	60,051.00	570,195.00	54,725.00	8,298.00	8,466.00	79,273.00	61,687.00	68,143.50	17,640.00	0.00	967,678.50	882,745.00	(84,933.50)		
6	Revenue Adjustment	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00		
7	Total Revenue	4,180.00	7,105.00	60,051.00	570,195.00	54,725.00	8,466.00	8,466.00	79,273.00	61,687.00	68,143.50	17,640.00	0.00	967,678.50	882,745.00	(84,933.50)		
8	Total Funds Available	2,938,257.37	2,862,040.84	2,838,593.43	3,322,032.31	3,295,200.14	3,251,373.86	3,183,616.46	3,141,016.90	3,141,836.87	3,134,420.20	3,101,003.35	3,031,776.48	967,678.50				
9																		
10																		
11	Appropriation Costs:																	
12	Expense and Equipment	10,531.88	18,932.69	21,091.68	9,793.86	15,745.66	20,270.66	8,312.77	11,299.15	11,273.94	5,023.09	13,823.14	0.00	163,738.06	164,200.00	461.94		
13	Personal Service and Per Diem	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00		
14	Total Appropriation Costs	10,531.88	18,932.69	21,091.68	9,793.86	15,745.66	20,270.66	8,312.77	11,299.15	11,273.94	5,023.09	13,823.14	0.00	163,738.06	164,200.00	461.94		
15																		
16	PR Appropriated Transfers (HB 7.540):																	
17	Licensure System Cost	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00		
18	Rent	0.00	518.86	0.00	1,043.21	507.96	535.38	507.96	507.96	534.05	507.96	1,039.28	0.00	6,210.68	6,338.79	128.11		
19	DJFP Department Cost Allocation	0.00	877.50	0.00	0.00	503.90	0.00	511.80	0.00	0.00	0.00	470.74	0.00	2,363.94	2,483.28	119.34		
20	License Refunds	0.00	0.00	0.00	0.00	0.00	1,496.00	0.00	0.00	0.00	0.00	2,472.00	0.00	3,968.00	1,500.00	(2,468.00)		
21	Start-up Loan - Borrower's Expense	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00		
22	Division PR Transfer:																	
23	Division-Wide Costs	0.00	2,572.99	2,625.89	2,414.29	1,944.62	2,746.15	2,768.39	2,264.30	2,679.83	2,055.70	2,684.46	0.00	26,900.22	39,219.16	12,318.94		
24	Purchasing Staff	0.00	62.52	51.15	53.02	55.34	58.63	61.01	61.38	63.99	55.75	57.95	0.00	642.27	410.31	(231.96)		
25	PR/IT Staff	0.00	553.96	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	553.96	0.00	(553.96)		
26	Legal Team	0.00	4,642.30	4,799.59	3,491.31	2,989.74	4,759.62	4,377.97	3,754.29	4,401.15	2,745.80	3,187.63	0.00	43,353.47	47,688.43	4,344.96		
27	CRR Staff	0.00	331.95	333.86	666.88	1,062.26	600.13	553.40	424.70	765.27	665.00	492.22	0.00	6,288.90	5,689.32	(699.58)		
28	Board Specific:																	
29	Expense/Equipment	0.00	488.63	0.00	12.58	68.10	0.00	85.92	43.52	2,015.02	265.40	0.00	0.00	3,192.32	2,134.40	(1,057.92)		
30	Personal Services	0.00	32,033.56	39,621.02	29,866.98	30,084.60	27,546.53	29,309.75	25,416.10	24,351.53	21,677.33	25,993.02	0.00	307,803.90	372,979.94	65,176.04		
31	Fringe Benefits	0.00	13,113.37	15,614.22	12,919.55	12,810.17	11,678.43	10,909.28	10,727.87	9,617.75	9,398.60	10,737.94	0.00	130,038.04	182,349.89	52,311.85		
32	Technical Support Staff	0.00	1,151.80	748.55	635.43	475.57	451.28	504.22	436.36	393.29	361.57	570.86	0.00	6,102.53	6,647.69	545.16		
33	Central Mail Processing	0.00	161.49	158.38	167.36	187.09	162.15	154.61	170.31	161.20	164.13	162.34	0.00	1,851.65	1,930.38	78.73		
34	CUI Investigations	0.00	5,384.15	5,956.27	5,209.32	5,063.77	4,282.93	5,100.65	6,893.94	12,314.29	9,049.02	7,533.29	0.00	72,106.15	80,834.31	8,728.16		
35	Total Division PR Transfer	0.00	60,496.72	69,908.93	55,435.72	54,677.26	53,772.45	49,545.85	49,085.13	54,239.58	45,440.30	51,421.71	0.00	598,833.41	741,893.83	143,060.42		
36	Total PR Appropriated Transfers (HB 7.540)	0.00	61,893.18	69,908.93	56,478.93	55,185.22	55,803.83	50,565.61	49,593.09	54,826.63	45,948.26	55,403.73	0.00	611,376.03	752,215.90	140,839.87		
37																		
38	GR Transfer (HB 7.535):																	
39	Attorney General	0.00	0.00	0.00	3,682.78	283.29	739.02	147.80	948.40	0.00	0.00	0.00	0.00	5,801.29	20,500.00	14,698.71		
40	Administrative Hearing Comm.	0.00	0.00	9.50	0.00	126.50	28.50	0.00	0.00	0.00	85.50	0.00	0.00	250.00	5,000.00	4,750.00		
41	Total GR Transfer	0.00	0.00	9.50	3,682.78	409.79	767.52	147.80	948.40	0.00	0.00	0.00	0.00	6,051.29	25,500.00	19,448.71		
42																		
43	Other Transfers:																	
44	Workers Compensation	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00		
45	Unemployment	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00		
46	Board Staff Fringe Benefits	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00		
47	Biennium Sweep	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00		
48	OA Cost Allocation Transfer	3,093.00	0.00	0.00	3,093.00	0.00	0.00	3,093.00	0.00	3,094.00	0.00	0.00	0.00	12,373.00	12,373.00	0.00		
49																		
50	FY 2015 Transfers Carried Over:																	
51	FY 2015 June PR Transfer	69,053.17	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	69,053.17	69,053.17	0.00		
52	FY 2015 July Lapse PR Transfer	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00		
53	FY 2015 PR Transfer Adjustment	0.00	0.00	(4,253.99)	8,507.98	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	4,253.99	4,253.99	0.00		
54	FY 2015 Final Rent Transfer Adj	0.00	0.00	0.00	0.62	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.62	0.62	0.00		
55	FY14 & FY15 DJFP Transfer Adjustment	0.00	(129.38)	0.00	0.00	(182.79)	0.00	0.00	0.00	0.00	0.00	0.00	0.00	(312.17)	(129.38)	182.79		
56	FY 2015 AG - May & June	239.48	2,801.92	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	3,041.40	3,041.40	0.00		
57	FY 2015 AHC - June	404.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	404.00	404.00	0.00		
58	Total FY 2015 Transfers Carried Over	69,696.65	2,672.54	(4,253.99)	8,508.60	(182.79)	0.00	0.00	0.00	0.00	0.00	0.00	0.00	76,462.80	76,462.80	182.79		
59	Total Transfers	72,789.65	64,565.72	55,964.44	71,763.31	55,995.62	55,552.74	59,044.63	51,514.01	49,593.09	46,033.76	55,403.73	0.00	706,241.33	866,712.70	160,471.37		
60	Total Appropriation Costs and Transfers	83,321.53	83,498.41	86,756.12	81,557.17	71,741.28	76,223.40	67,357.40	62,813.16	60,867.03	51,056.85	69,226.87	0.00	869,979.39	1,030,912.70	160,933.31		
61	Ending Fund Balance	2,854,935.84	2,778,542.43	2,751,837.31	3,240,475.14	3,223,458.86	3,175,150.46	3,115,259.06	3,061,743.90	3,080,149.87	3,083,363.35	3,031,776.48	3,031,776.48	864,371.64	22,443,351.20	21,759,979.96		
62	Total PR Transfer - HB 7.540	69,053.17	61,763.80	65,664.44	64,987.53	55,995.83	55,185.22	55,803.83	50,565.61	49,593.09	45,948.26	55,403.73	0.00	684,371.64	22,443,351.20	21,759,979.96		
63	Total GR Transfer - HB 7.535	0.00	0.00	9.50	3,682.78	409.79	767.52	147.80	948.40	0.00	0.00	0.00	0.00	9,496.69	28,945.40	19,448.71		
64	Total Appropriation Costs	69,696.65	64,565.72	65,664.44	68,670.31	55,995.62	55,552.74	59,044.63	51,514.01	49,593.09	46,033.76	55,403.73	0.00	693,868.33	22,472,296.60	21,778,428.27		
65	Total Other Transfers	10,531.88	18,932.69	21,091.68	9,793.86	15,745.66	20,270.66	8,466.00	8,466.00	7,923.94	5,023.09	13,823.14	0.00	163,738.06	164,200.00	461.94		
66	Total Total Transfers	3,093.00	0.00	0.00	3,093.00	0.00	0.00	3,093.00	0.00	3,094.00	0.00	0.00	0.00	12,373.00	12,373.00	0.00		
67	Total Total Other Transfers	83,321.53	83,498.41	86,756.12	81,557.17	71,741.28	76,223.40	67,357.40	62,813.16	60,867.03	51,056.85	69,226.87	0.00	869,979.39	22,648,869.60	21,778,890.21		
68	*Please note that the Projected Total Appropriation Costs and Transfers does NOT include the Lapsed Appropriation Costs/Transfers Estimate included on your 5 Year Projections (line 48)																	
69	Total Total Transfers																	
70	Total Total Other Transfers																	
71	Total Total Transfers																	
72	Total Total Other Transfers																	

9/7/2016

**Original Licenses Issued
Between 06/03/2016 and 09/07/2016**

Board Name**Embalmers & Funeral Directors**

Licensee Name	License #	Orig Issue Date
Vette, MaKayla Dawn	2016023479	6/16/2016
Howe, Taylor Dorsey	2016026556	7/21/2016
Heiligenstein, Elva Jean	2016026569	7/21/2016
Biesemeyer, Anthony Edwin	2016030009	8/17/2016
Laughlin, Heather Jo	2016030010	8/17/2016

Embalmer Apprentice

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Licensee Name	License #	Orig Issue Date
Toews, Travis Jay	2016019414	6/10/2016
Alexander, Jenna Danielle	2016021552	6/23/2016
Lane-Rogers, Dulcinea Marie	2016022674	6/28/2016
Goodwin, Ashley Marie	2016025091	7/13/2016
Freeze, Kristin Mary	2016025094	7/13/2016
Morrow, Mitchell M. W.	2016026855	7/25/2016
McIntyre, Sara Jane	2016032204	9/2/2016
Toews, Leroy James	2016032207	9/2/2016

Embalmer

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Licensee Name	License #	Orig Issue Date
Jackson, Shamari Briana	2016019068	6/3/2016
Cowins, Michelle Jamese	2016031688	9/1/2016

Embalmer Practicum

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Licensee Name	License #	Orig Issue Date
Dukes, Jacob Alexander	2016018334	6/6/2016
Oslica, Nicholas T.	2016018335	6/6/2016
Ison, Thomas Edward	2016018641	6/7/2016
Shellady, George Emerson	2016019661	6/14/2016
Coleman, Garrett Edward	2016020860	6/20/2016
Willhite, Joshua Aaron	2016020861	6/20/2016
Childes, Jason Gregory	2016025101	7/13/2016
Daniel, Jackson Drake	2016025708	7/18/2016
Daniel, Deborah Kay	2016025709	7/18/2016
Dennis, Joshua Micheal	2016025921	7/19/2016
Starnes, Martha Joann	2016026570	7/21/2016
Watson, Valerie Jean	2016026646	7/22/2016
McGaskey, Ronald Lynn	2016026859	7/25/2016
Wallace, Laura A.	2016026959	7/26/2016
Hamilton, Roger N.	2016026960	7/26/2016
Wakeman, Michael Ray	2016026961	7/26/2016
Fowler, Raymond Lemond	2016027926	8/1/2016
Bennett, Lee Craig	2016030557	8/22/2016

9/7/2016

**Original Licenses Issued
Between 06/03/2016 and 09/07/2016**

Board Name**Embalmers & Funeral Directors**

Licensee Name	License #	Orig Issue Date
Craft, Lisa Darrellene	2016030558	8/22/2016
Pomeroy, Keturah Lynn	2016032340	9/6/2016
Dover, Cody Lee	2016032450	9/6/2016

Funeral Director Apprentice

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Licensee Name	License #	Orig Issue Date
Howe, Taylor Dorsey	2016018314	6/6/2016
Harbison, Timothy Michael	2016018647	6/7/2016
Toews, Travis Jay	2016019415	6/10/2016
Hankins, Danny Wayne	2016020859	6/20/2016
Wattenbarger, Tina Marie	2016021075	6/21/2016
Dulaney, Lisa Anne	2016022087	6/24/2016
Moore, NaRa' T.	2016022690	6/28/2016
Vette, MaKayla Dawn	2016025098	7/13/2016
Fowler, Gregory D	2016025165	7/13/2016
Sayler, Casandra Denise	2016025710	7/18/2016
McCully, Tamara Kay	2016027141	7/27/2016
Toews, Leroy James	2016032208	9/2/2016
Heiligenstein, Elva Jean	2016032476	9/7/2016

Funeral Director

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Licensee Name	License #	Orig Issue Date
ATC Enterprise LLC	2016019573	6/13/2016
Missouri Undertaking Industry L.L.C.	2016020656	6/17/2016
Roberson Funeral Homes, Inc.	2016020839	6/20/2016
D.W. Newcomer's Sons, Inc.	2016021098	6/21/2016
Bland-Hackleman Funeral Home, Inc.	2016023529	7/1/2016
Alan R. Polley	2016023727	7/5/2016
Holden Cremation And Funeral Service L.L.C.	2016024993	7/13/2016
Griffin & Son's Funeral Homes, LLC	2016026071	7/20/2016
Griffin & Son's Funeral Homes, LLC	2016026072	7/20/2016
St. Francois Funeral & Cremation, LLC	2016028701	8/5/2016
Cemetery Consulting Group, LLC	2016030275	8/18/2016
Ford & Sons Funeral Home - Jackson, Inc.	2016030749	8/23/2016
RFSC, Inc.	2016031147	8/25/2016
JDK Enterprises, LLC	2016031857	8/31/2016

Funeral Establishment

14

Licensee Name	License #	Orig Issue Date
Amend, Samantha	2016019660	6/14/2016
Johnson, Barbara Ann	2016020858	6/20/2016
Caldwell, Rachel Renee	2016020862	6/20/2016

9/7/2016

**Original Licenses Issued
Between 06/03/2016 and 09/07/2016**

Board Name**Embalmers & Funeral Directors**

Licensee Name	License #	Orig Issue Date
Houston, Anthony Thurman	2016025080	7/13/2016
Vette, MaKayla Dawn	2016025711	7/18/2016
Howe, Taylor Dorsey	2016026499	7/21/2016
Pulling, Tonja Renee	2016028239	8/3/2016
Hierholzer, Blake Tyler	2016028240	8/3/2016
Lacey, Shelly Jane	2016029581	8/15/2016
Freeman, David L.	2016029582	8/15/2016
Curtis, Christina Nicole	2016030693	8/23/2016
Swezy, Jeffrey M.	2016032341	9/6/2016

Preneed Agent Funeral Director

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Licensee Name	License #	Orig Issue Date
Quinn, Dallin Paul	2016019413	6/10/2016
Deabler, Marie	2016022669	6/28/2016
Derby, Kacie Michelle	2016022670	6/28/2016
Bricker, Sarah J.	2016028047	8/2/2016
Westbrook, Vivian Doran	2016028048	8/2/2016
Mitchell, Lance Willich	2016029585	8/15/2016
Coleman, Garrett Edward	2016030008	8/17/2016
Bagley, Colleena Marnae	2016030304	8/19/2016
Pomeroy, Keturah Lynn	2016032372	9/6/2016

Preneed Agent

9

Licensee Name	License #	Orig Issue Date
Missouri Undertaking Industry L.L.C.	2016020657	6/17/2016
Roberson Funeral Homes, Inc.	2016020840	6/20/2016
Bland-Hackleman Funeral Home, Inc.	2016023530	7/1/2016
Alan R. Polley	2016023728	7/5/2016
Griffin & Son's Funeral Homes, LLC	2016026070	7/20/2016
Smiths' Direct Casket Outlet LLC	2016026850	7/25/2016
St. Francois Funeral & Cremation, LLC	2016028700	8/5/2016
Cemetery Consulting Group, LLC	2016030277	8/18/2016
Ford & Sons Funeral Home - Jackson, Inc.	2016030748	8/23/2016
RFSC, Inc.	2016031146	8/25/2016
JDK Enterprises LLC	2016031858	8/31/2016

Preneed Provider

11

Licensee Name	License #	Orig Issue Date
Bland-Hackleman Funeral Home, Inc.	2016023531	7/1/2016
Griffin & Son's Funeral Homes, LLC	2016026069	7/20/2016
Cemetery Consulting Group, LLC	2016030276	8/18/2016
Stith Family Funeral Home LLC	2016030356	8/19/2016

9/7/2016

**Original Licenses Issued
Between 06/03/2016 and 09/07/2016**

Board Name

Embalmers & Funeral Directors

Licensee Name

Smiths' Direct Casket Outlet LLC

License #

2016031199

Orig Issue Date

8/25/2016

Preneed Seller

5

Total count for the Embalmers & Funeral Directors board: 100

**Closed Funeral Establishments, Preneed Providers, and Preneed Sellers
Between 6/3/2016 and 9/7/2016**

Funeral Establishment	Name	Lic Number	Address	License Status	Exp Date	Closed Date
Howard H. Michel Funeral Home		002558	5930 Southwest Ave.	Closed/Change of Owner	12/31/2017	6/17/2016
Greenlee-Middleton Funeral Service Incorporated		001455	Saint Louis, MO 631392723 305 N Broadway	Closed/Change of Owner	12/31/2017	6/20/2016
Brumback Funeral Home		002231	Princeton, MO 64673 306 S High	Closed/Change of Owner	12/31/2017	7/1/2016
Long-Brumback Funeral Home		002232	Stockton, MO 65785	Closed/Out of Business	12/31/2017	7/1/2016
Millard Family Funeral Homes, LLC		2009016659	Jerico Springs, MO 64756 12 E Ash St	Closed/Change of Owner	12/31/2017	8/25/2016
Holden Cremation and Funeral Service, L.L.C.		2014029929	Columbia, MO 65203 8058 State Hwy 14 E	Closed/Out of Business	12/31/2017	7/13/2016
W & M Funeral Homes, Inc.		001095	Sparta, MO 65753 201 S. Daniel	Closed/Change of Owner	12/31/2017	7/20/2016
W & M Funeral Homes, Inc.		002258	Ash Grove, MO 65604 612 N. Washington	Closed/Change of Owner	12/31/2017	7/20/2016
Preneed Provider			Walnut Grove, MO 65770			
	Cracraft-Miller, Inc.	2009038710	708 W Main St	Closed/Change of Owner	10/31/2016	8/23/2016
Millard Family Funeral Homes, LLC		2009039110	Jackson, MO 63755 12 E. Ash Street	Closed/Change of Owner	10/31/2016	8/25/2016
Oak Grove Mausoleum Co.		2009039865	Columbia, MO 65203 7800 St Charles Rock Rd	Closed/Change of Owner	10/31/2016	8/18/2016
			Saint Louis, MO 63114			

**Closed Funeral Establishments, Preneed Providers, and Preneed Sellers
Between 6/3/2016 and 9/7/2016**

Preneed Provider	Name	Lic Number	Address	License Status	Exp Date	Closed Date
W & M Funeral Homes, Inc.		2010004008	202 S Daniel PO Box 217	Closed/Change of Owner	10/31/2016	7/20/2016
Greenlee-Middleton Funeral Service		2009037829	Ash Grove, MO 65604 305 N Broadway PO Box 316	Closed/Change of Owner	10/31/2016	6/20/2016
	Evelyn Michel	2009038662	Princeton, MO 64673 5930 Southwest Ave	Closed/Change of Owner	10/31/2016	6/17/2016
	Richard D. Brumback	2009038410	Saint Louis, MO 63139 306 S. High St.	Closed/Change of Owner	10/31/2016	7/1/2016
Saber Management-St. Louis, LLC		2009039128	Stockton, MO 65785 6776 Vo-Tech Rd	Closed/Change of Owner	10/31/2016	8/5/2016
Preneed Seller						
	Richard D. Brumback	2009038411	Bonne Terre, MO 63628 306 S. High St	Closed/Change of Owner	10/31/2016	7/1/2016
W & M Funeral Homes Inc		2010004009	Stockton, MO 65785 201 S Daniel PO Box 217	Closed/Change of Owner	10/31/2016	7/20/2016
Greenlee-Middleton Funeral Service		2009037830	Ash Grove, MO 65604 305 N Broadway	Closed/Change of Owner	10/31/2016	6/20/2016
Oak Grove Mausoleum Co		2009039864	Princeton, MO 64673 7800 St Charles Rock Rd	Closed/Change of Owner	10/31/2016	8/18/2016
Saber Management-St. Louis LLC		2009039127	Saint Louis, MO 63114 6776 Vo-Tech Rd	Closed/Out of Business	10/31/2016	8/5/2016
			Bonne Terre, MO 63628			

Missouri Division of Professional Registration

3605 Missouri Blvd.
 Jefferson City, Missouri 65102
 (573) 751-0293

Disciplinary Actions

Ordered From 06/03/2016 Through 09/07/2016

<p>Complaint: 2013-006816</p> <p>C & D Shepard, Inc S/C: <input type="checkbox"/></p> <p>DBA:Shepard Funeral Chapel 08/02/2016</p>	<p>C & D Shepard, Inc/Shepard Funeral Chapel 2010000171 PNS (Board) - PROBATION</p> <p>Probation</p> <p>On October 1, 2015, the Administrative Hearing Commission entered its "Default Decision" in the case of State Board of Embalmers and Funeral Directors v. C & D Shepard, Inc., Case number 15-1072 (the "AHC Order"). In the AHC Order, the Administrative Hearing Commission found that C & D Shepard, Inc.'s ("Licensee") license to practice as a preneed seller is subject to discipline pursuant to Sections 333.330.2(6), (7), (14), and (19), RSMo .</p> <p>Pursuant to notice and Section 621.110, RSMo, the Board held the disciplinary hearing in this matter on Tuesday, June 14, 2015 at the Hyatt Place St Louis/Chesterfield, 333 Chesterfield Center East, Chesterfield, Missouri 63017 for the purpose of determining the appropriate disciplinary action against the preneed seller license held by C & D Shepard, Inc.. The Board commenced the hearing at approximately 3:50p.m. Jamie Cox represented the Board at this hearing. David Shepard and Caren Shephard appeared on behalf of C & D Shepard, Inc., but no counsel appeared to represent the corporation.</p> <p>After full review of the record and the evidence and testimony presented at hearing, the Board issues the following Findings of Fact, Conclusions of Law and Disciplinary Order:</p> <ol style="list-style-type: none"> 1. The Board is an agency of the State of Missouri created and established pursuant to Section 333.151, RSMo, and vested with the authority to execute and enforcing the provisions of Chapter 333 and portions of Chapter 436, RSMo. 2. C & D Shepard, Inc. is a corporation that has registered its address with the Board as 9255 Natural Bridge, St. Louis, Missouri 63134. 3. C & D Shepard, Inc. holds preneed seller license number 2010000171 that is and was current and active at all times relevant to this matter. 4. The Board adopts and incorporates by reference the findings of fact and conclusions of law contained in the AHC Order and the record of the Administrative Hearing Commission In the case of State Board of Embalmers and Funeral Directors v. C & D Shepard, Inc., Case number 15-1072. 5. The State Board of Embalmers and Funeral Directors (the "Board") received and reviewed the record certified to it by the Administrative Hearing Commission. The record of the Administrative Hearing Commission is incorporated into this Findings of Fact, Conclusions of Law and Disciplinary Order (the "Board Order") by reference as if set forth in its entirety in this Board Order. 6. The Board takes official notice of its file and the record in this matter. 7. The Board timely set this case for disciplinary hearing and properly served Respondent C & D Shepard, Inc. with notice of the time, date and location of the disciplinary hearing. 8. The Board has jurisdiction over this matter pursuant to Section 621.110 and Section 333.330, RSMo.
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9/7/2016

Missouri Division of Professional Registration
3605 Missouri Blvd.
Jefferson City, Missouri 65102
(573) 751-0293

Disciplinary Actions

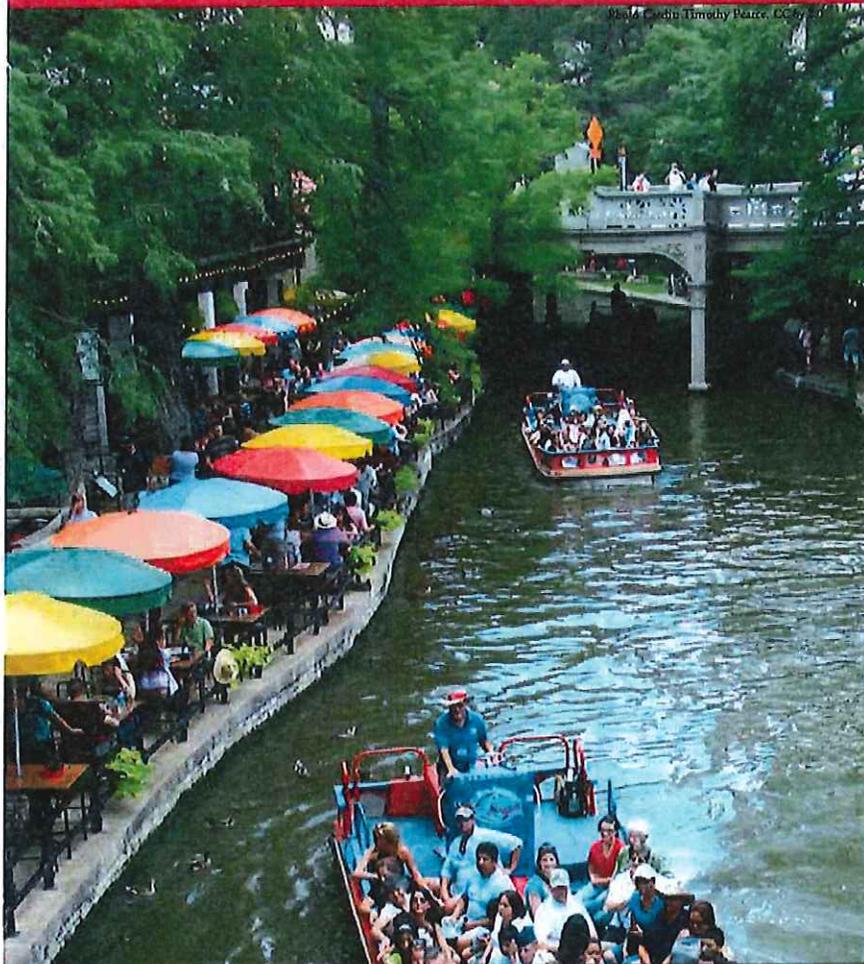
Ordered From 06/03/2016 Through 09/07/2016

Complaint: 2016-003373	Browden, Brenda EMB007635 SUSPENDED DOR HB600
Browden, Brenda Y	S/C: <input type="checkbox"/>
	06/29/2016
	Suspended 324.010
	This license has been suspended by operation of law pursuant to Section 324.010, RSMo, which requires suspension of the professional license of individuals who fail to file state tax returns or fail to pay state tax liabilities.

Complaint: 2016-004349	Dush, Harrison PFD2012000071 DOR HB600 Suspended
Dush, Harrison B	S/C: <input type="checkbox"/>
	08/03/2016
	Suspended 324.010
	This license has been suspended by operation of law pursuant to Section 324.010, RSMo, which requires suspension of the professional license of individuals who fail to file state tax returns or fail to pay state tax liabilities.



41st Annual FARB Forum



SAN ANTONIO, TX

January 26–29, 2017

Join fellow regulatory agency professionals for an in-depth analysis of current issues affecting regulatory boards.

The 2017 FARB Forum will bring together leading experts from across the country to discuss the latest trends in professional regulation. This exceptional educational program delivers the tools and information needed to ensure the efficient and effective operation of state regulatory boards. Designed for board members, board administrators, investigators and board attorneys, the Forum is educationally driven and includes sessions related to administering state professional licensing boards. Attendees have the option to attend a four hour Thursday evening Comprehensive Regulatory Training (CRT). The Forum is always interactive and will provide an unparalleled opportunity to network with members of the regulatory community across jurisdictions and professions. As always, throughout the conference, relevant videos and news stories will be presented.



COMPREHENSIVE REGULATORY TRAINING (CRT)

This interactive session is designed to provide comprehensive training for board members, staff, investigators, attorneys and other stakeholders in the professional regulatory licensing system. The CRT course has been developed to cover all aspects of regulation and board operations, including scope of authority, responsibilities, conflicts of interest, immunity, discipline and outreach. Attendees may attend just the CRT without registering for the entire conference.

CONTINUING EDUCATION

FARB is an approved Illinois Minimum Continuing Legal Education (CLE) course provider. We anticipate attendees will earn 11.25 CLE credit hours at the Forum. Attendees can anticipate an additional 4 hours of CLE credit if attending the optional Comprehensive Regulatory Training (CRT). Other professions may be able to use FARB courses as continuing education. Attendees must submit required information to their appropriate jurisdictions as necessary.

FEES

Registration for the Thursday Comprehensive Regulatory Training session is \$300 and includes beverages and dinner. Registration fee for the Forum is \$625 for members and \$750 for non-members and includes daily breakfast, lunch on Friday, and a reception Friday evening. Please forward the registration fee to FARB as soon as possible. If the fee is not available at the time of registration, it may be sent later or paid upon arrival at the conference.

MEETING MATERIALS

Prior to the conference, all attendees will receive an email with instructions on how to access the meeting materials online. The meeting website with the materials will be accessible during the conference via Wi-Fi.

TRANSPORTATION

Attendees are responsible for securing their own shuttle reservations. Super Shuttle is offering a \$17 one-way reduced fare and \$30 round trip fare. The reservation link can be found at www.FARB.org.

SCAVENGER HUNT

Join FARB for an amazing scavenger hunt adventure that will start in the center of this historic city and will take you back in time to explore the grounds of the Alamo. The adventure will then guide you down along the River Walk and through the streets to enjoy the modern-day sights and sounds of the city while finding historic and unique hidden gems. The scavenger hunt will be Saturday, January 28, 2017 at 1:30 PM and is only \$15 per person. Please sign up for the scavenger hunt on the Forum registration page by Wednesday, January 25, 2017.

FARB MISSION

To advance excellence in regulation of the professions in the interest of public protection.

In keeping with its mission statement, FARB provides a forum for interaction among individuals and agencies involved in regulatory law and the licensing of professionals with the goal of protecting the public. Member associations, individuals, and other organizations that participate in FARB and seek to strengthen and uphold the standards of licensed professionals are invited to attend. We look forward to seeing you!

Visit the FARB website at www.FARB.org for more information about FARB and its programs.

FORUM AGENDA

THURSDAY, JANUARY 26, 2017

2:30 pm – 7:00 pm Early Registration

THURSDAY OPTIONAL SESSION

3:00 pm – 7:30 pm Comprehensive Regulatory Training (CRT)

FRIDAY, JANUARY 27, 2017

7:30 am – 5:00 pm Registration Open

7:30 am – 8:30 am Breakfast

8:30 am – 8:45 am Welcoming Remarks:
FARB President

8:45 am – 9:00 am FARB: An Overview &
Regulatory Perspective

FRIDAY FOCUS

Using Data

9:00 am – 9:30 am Data for Decision Making:
What information should be gathered and
how is it put to use?

9:30 am – 10:15 am FARB Survey Results:
A discussion about best practices

10:15 am – 10:45 am Break

10:45 am – 11:15 am Board Retreats:
Missions, visions, values, strategic plan maps

11:15 am – 12:00 pm Sunset Review and Annual Legislative
Reports: Board evaluations using data

12:00 pm – 1:15 pm Lunch

1:15 pm – 1:45 pm Award Winning Boards:
Accomplishments worth sharing

1:45 pm – 2:30 pm A Legislative Mandate for Board
Collaboration: The North Dakota Experience

2:30 pm – 3:00 pm Break

3:00 pm – 3:45 pm Board Websites:
Perspectives from Boards and Consumers

3:45 pm – 4:15 pm Regulation in the News

4:15 pm – 5:00 pm Regulatory Mosh Pit

5:00 pm Recess

5:00 pm – 6:00 pm FARB Reception

SATURDAY, JANUARY 28, 2017

7:30 am – 12:30 pm Registration Open

7:30 am – 8:30 am Breakfast

8:30 am – 9:15 am Examinations:
What State Board need to know

9:15 am – 10:00 am New Legislation Affecting the
Regulatory Community

10:00 am – 10:30 am Break

10:30 am – 11:30 am Concurrent Sessions: *(pick one)*
Board Member Focus
Board Staff Focus
Legal Counsel Focus
Association Level Staff Focus

11:30 am – 12:30 pm Top Regulatory Cases

12:30 pm Recess

SUNDAY, JANUARY 29, 2017

SUNDAY FOCUS

The Discipline Process

7:30 am – 8:30 am Breakfast

8:30 am – 9:15 am Technology in Investigations

9:15 am – 10:00 am The Discipline Experience:
Perspectives of a Complainant and a
Disciplined Licensee

10:00 am – 10:15 am Break

10:15 am – 11:00 am Reinstatement Petitions:
Relevant Evidence & Burden

11:00 am – 11:30 am Administrative Expungement

11:30 am Recess

Many thanks to our annual sponsor:

ETHICS AND BOUNDARIES
ASSESSMENT SERVICES LLC

www.ebas.org



REGISTRATION FORM

41st Annual FARB Forum January 26-30, 2017

Space is limited — Please register by Wednesday, January 18, 2017

Forum Registration Options:

- FARB Member — \$625 FARB Non-Member — \$750
- Thursday Comprehensive Regulatory Training — \$300
- Scavenger Hunt on January 28 at 1:30 PM — \$15
- I would like to bring a guest(s) on the scavenger hunt.
Please include an extra \$15 per guest.
Please indicate number of guests and guest names:

Checks may be combined. You may also register and pay by credit card on our website, www.FARB.org. (Please read our Cancellation Policy)

For purposes of Continuing Legal Education credit, are you licensed to practice law? Yes No

If yes, please identify the state(s) or jurisdiction(s) in which you are currently licensed. _____

ATTENDEE NAME _____

ATTENDEE TITLE _____

ATTENDEE FIRST NAME ON IDENTIFICATION BADGE _____

ATTENDEE BOARD/FIRM/AGENCY _____

ATTENDEE MAILING ADDRESS _____

ATTENDEE CITY/STATE/ZIP _____

ATTENDEE TELEPHONE _____

ATTENDEE E-MAIL ADDRESS _____
(CERTIFICATES OF ATTENDANCE WILL BE E-MAILED TO THIS ADDRESS)

FARB FEDERAL I.D. #23-7375992.

To register by fax or mail,
please return the registration form to:
Federation of Associations of Regulatory Boards (FARB)
1466 Techny Road
Northbrook, IL 60062
Phone: 847-559-FARB (3272)
Fax: 847-714-9796 • E-mail: FARB@FARB.org



HOTEL ACCOMMODATIONS & LOCATION

A picturesque city in the heart of Texas, San Antonio, home to the legendary Alamo and world famous River Walk, hosts a vibrant mix of culture, cuisine, legendary architecture and moving history. The city's heritage and traditions are rich, as are its modern pleasures. With a cosmopolitan blend of top-notch golf courses, remarkable dining and nightlife options, art galleries, spas, theme parks and shopping, there's no shortage of authentic experiences.

FARB has reserved a block of rooms at the Omni La Mansión del Rio specifically for Forum attendees. Please make your reservations early, as only a limited number of hotel rooms will be available until the cut-off date of Wednesday, January 4, 2017, or until the group block is sold out, whichever comes first. *Hotel reservations made after this date are subject to availability and rate increase.*

Attendees are responsible for securing their own hotel reservations. Reservations may be made by contacting the Omni La Mansión del Rio directly:

Omni La Mansión del Rio
112 College St.
San Antonio, TX 78205
Reservations: 1-800-THE-OMNI or 210-518-1000
Visit www.FARB.org for a link to online reservations

Please refer to the FARB group when making your reservations to ensure you get the reduced room rate of \$199.00 per night plus tax.



CANCELLATION POLICY

Notification of cancellation MUST be made in writing and sent to FARB via U.S. mail, e-mail (FARB@FARB.org), or fax.

Refunds:

If a cancellation is received in writing on or before Wednesday, January 18, 2017, FARB will:

1. Refund the paid registration fee less a \$50 processing charge
2. Charge the registrant a \$50 processing charge if the registration fee has not been paid

Any registrants cancelling after Wednesday, January 18, 2017, will be charged the full registration fee but will receive access to all meeting materials.

**State Board of Embalmers and Funeral Directors
Financial Examination Committee**

April 7, 2016

**Division of Professional Registration
3605 Missouri Blvd.
Jefferson City, MO 65109**

OPEN MINUTES

The meeting of the State Board of Embalmers and Funeral Directors Financial Examination Committee was called to order by Collin Follis, committee chair, at 8:34 a.m.

Roll Call

Board Members Present

Collin Follis, Chairman

Gary Fraker, Member

Eric Pitman, Member—left meeting at 9:19 a.m. during closed session

Staff Present

Sandy Sebastian, Executive Director

Lisa Wildhaber, Examiner Supervisor

Sharon Euler, Division Legal Counsel

Approval of Agenda

A motion was made by Eric Pitman and seconded by Gary Fraker to approve the agenda. Motion carried with no votes in opposition.

Approval of Minutes

A motion was made by Gary Fraker and seconded by Eric Pitman to approve the following open minutes.

January 25, 2016 Financial Examination Committee

Motion carried with no votes in opposition.

Executive Director Report

No Report

Legal Counsel Report

No Report

Move to Closed

A motion was made by Eric Pitman and seconded by Gary Fraker to move to closed session pursuant to numbers 1, 2, 7, 8, and 9 of the attached motions to close. Motion carried with no votes in opposition.

National Prearranged Services

Collin Follis requested an update on the National Prearranged Services lawsuit. Sharon Euler provided an update to the committee.

Move to Closed

A motion was made by Gary Fraker and seconded by Eric Pitman to move to closed session pursuant to numbers 1, 2, 7, 8, and 9 of the attached motions to close. Motion carried with no votes in opposition.

Adjourn

A motion was made by Gary Fraker and seconded by Collin Follis to adjourn at 9:42 a.m. Motion carried with no votes in opposition. Eric Pitman was not present.

Executive Director: _____

Approved by the board on: _____

MOTIONS TO GO INTO CLOSED SESSION

1. DISCIPLINE

I move that this meeting be closed and that all records and votes, to the extent permitted by law, pertaining to and/or resulting from this closed meeting be closed under Section 610.021, Subsection (1) RSMo and 324.001.9 RSMo for deliberation on discipline

2. LEGAL ACTIONS/LITIGATIONS/PRIVILEGED COMMUNICATIONS

I move that this meeting be closed and that all records and votes, to the extent permitted by law, pertaining to and/or resulting from this closed meeting be closed under Section 610.021, Subsection (1) RSMo for discussing general legal actions, causes of action or litigation and any confidential or privileged communications between this agency and its attorney

3. PROMOTING/HIRING/DISCIPLINING/FIRING EMPLOYEES

I move that this meeting be closed and that all records and votes, to the extent permitted by law, pertaining to and/or resulting from this closed meeting be closed under Section 610.021, Subsection (3) RSMo discussing hiring, firing, disciplining or promoting an employee of this agency

4. DIAGNOSIS/TREATMENT OF DISCIPLINED LICENSEES

I move that this meeting be closed and that all records and votes, to the extent permitted by law, pertaining to and/or resulting from this closed meeting be closed under Section 610.021, Subsection (5) and Section 324.001.8 RSMo. for proceedings required pursuant to a disciplinary order concerning medical, psychiatric, psychological, or alcoholism or drug dependency diagnosis or treatment of specific licensees

5. EXAMINATION MATERIALS

I move that this meeting be closed and that all records and votes, to the extent permitted by law, pertaining to and/or resulting from this closed meeting be closed under Section 610.021, Subsection (7) RSMo for reviewing testing and examination materials

6. EMPLOYEE PERFORMANCE RATINGS

I move that this meeting be closed and that all records and votes, to the extent permitted by law, pertaining to and/or resulting from this closed meeting be closed under Section 610.021, Subsection (13) RSMo for making performance ratings pertaining to individual employees

7. APPLICATIONS

I move that this meeting be closed and that all records and votes, to the extent permitted by law, pertaining to and/or resulting from this closed meeting be closed under Section 610.021, Subsection (14) and Section 324.001.8 RSMo for discussing educational transcripts and/or test scores and/or complaints and/or audits and/or investigative reports and/or other information pertaining to the licensee or applicant for licensure

8. CLOSED MINUTES

I move that this meeting be closed and that all records and votes, to the extent permitted by law, pertaining to and/or resulting from this closed meeting be closed under Section 610.021, Subsection (14) and 324.017 RSMo for the purpose of reviewing and approving the closed minutes of previous meetings

9. COMPLAINTS/ INVESTIGATIVE REPORTS/AUDITS

I move that this meeting be closed and that all records and votes, to the extent permitted by law, pertaining to and/or resulting from this closed meeting be closed under Section 610.021 subsection (14) and section 620.010.14 subsection (7) RSMo for the purpose of discussing investigative reports and/or complaints and/or audits and/or other information pertaining to a licensee or applicant

Revised 09-11

State Board of Embalmers and Funeral Directors

June 14-15, 2016

Hyatt Place
333 Chesterfield Center East
Chesterfield, MO 63017

OPEN MINUTES

The meeting of the State Board of Embalmers and Funeral Directors was called to order by Collin Follis, chairman, at 8:39 a.m.

Roll Call

Board Members Present

Collin Follis, Chairman

Gary Fraker, Vice Chairman

Eric Pitman, Board Member- 6-14-16-left meeting at 3:51 p.m. during closed session, returned by telephone at 4:31 p.m./6-15-16 participated in meeting by telephone at 2:12 p.m.

Kenneth McGhee, Board Member

Archie Camden, Board Member- 6-15-16 left meeting at 1:10 p.m., returned by telephone at 1:18 p.m. and left meeting at 2:12 p.m. for the day.

Board Members Absent

Jerald Dickey, Secretary

Staff Present

Sandy Sebastian, Executive Director

Carla Volkart, Administrative Assistant

Lori Hayes, Inspector

Sharon Euler, Division Legal Counsel

The order of the items reflected in these minutes is not necessarily reflective of the order in which the items were reviewed and discussed by the board.

Approval of Agenda

A motion was made by Eric Pitman and seconded by Gary Fraker to approve the amended open agenda. Motion carried with Kenneth McGhee and Archie Camden voting in favor with no votes in opposition. Jerald Dickey was not present.

Move to Closed

A motion was made by Eric Pitman and seconded by Gary Fraker to move to into closed session pursuant to numbers 1, 2, 7, 8 and 9 of the attached motions to close. Motion carried with Kenneth McGhee and Archie Camden voting in favor with no votes in opposition. Jerald Dickey was not present.

Executive Director Report

- **Financial Report**

Sandy discussed the FY2016 monthly financial report from the division with the board regarding the expenditures and revenue to date covering the period through April. The board had no questions.

- **Licensee Reports (new, closed/ceased, disciplined)**

Sandy informed the board that the license reports (new, closed/ceased, disciplined) were included in their materials as informational.

- **Upcoming Conferences**

Sandy informed the board of the Council on Licensure, Enforcement & Regulation, Annual Educational Conference scheduled for September 14-17, 2016 in Portland, Oregon and the DCRA Annual Meeting scheduled for August 9-12, 2016 in Chicago, Illinois. She asked if any of the board members would like to attend either or both of the meetings to let her know.

- **Legislation**

Sandy indicated that if the board wished to make any legislative changes to Chapter 333 or Chapter 436, that they would need to be completed before the September 2016 board meeting. It was decided to hold a Rules Committee meeting on June 30, 2016 at 8:00 a.m., followed by a regular meeting at 10:00 a.m. in Jefferson City.

Legal Counsel Report

No Report

Legal Counsel Contract Renewal

Sandy discussed with the board the renewal of the legal contract for Brydon, Swearingen and England to serve as the board's litigation counsel. She stated that the contract would include language relating to access and destruction of background information and asked if the board would be interested in a contract that could cover two years instead one year as the previous contracts had. A motion was made by Eric Pitman and seconded by Gary Fraker to renew the contract for two years. Motion carried with Kenneth McGhee and Archie Camden voting in favor with no opposition. Jerald Dickey was not present.

Approval of Open Minutes

A motion was made by Gary Fraker and seconded by Kenneth McGhee to approve the following minutes -

- March 29-30, 2016 Board Meeting Minutes
- May 19, 2016 Board Meeting Minutes

Motion carried with Eric Pitman voting in favor with no votes in opposition. Archie Camden abstained since he was not a board member during those meetings. Jerald Dickey was not present.

St. Louis Community College at Forest Park

David Coughran from St. Louis Community College at Forest Park visited with the full board regarding the recommended academic plan for funeral service education in the associate in applied science degree. He stated that pre-admission, a student would commit 40 hours of shadowing a funeral director to get an idea of the day to day functions. The shadowing would be observing only and no embalming would be involved. The funeral director practicum would go beyond the 40 hours of shadowing. Mr. Coughran stated that the funeral director certificate program curriculum was being reviewed and would be submitted to the board for review and approval at a later date. Sharon Euler stated that the board does not have the authority for funeral director practicums and the student would have to be licensed. Mr. Coughran said he would look at the program again for the funeral director practicums or for a funeral director and embalmer combined practicum and clarified that any practicums would be under the associate program and not the certificate program.

Move to Closed

A motion was made by Eric Pitman and seconded by Gary Fraker to move to into closed session pursuant to numbers 1, 2, 7, 8 and 9 of the attached motions to close. Motion carried with Kenneth McGhee voting in favor with no votes in opposition. Jerald Dickey and Archie Camden were not present.

C&D Shepard, Inc. dba Shepard Funeral Chapel- Disciplinary Hearing- Case No. 15-1072EM

A disciplinary hearing was held and Jamie Cox from Brydon, Swearingen and England represented the board. Sharon Euler acted as the board's legal advisor. David Shepard and Caren Shepard appeared on behalf of C&D Shepard, Inc. dba Shepard Funeral Chapel. They were not represented by counsel. Ms. Cox made an

objection due to the fact that since C&D Shepard, Inc. dba Shepard Funeral Chapel is a corporation, they must be represented by a legal representative. The licensees had the option of either continuing the hearing and Ms. Cox calling them as witnesses or rescheduling the hearing at a later date when the licensee could obtain counsel. David Shepard agreed to be called as a witness so the hearing could continue. Eric Pitman recused from the hearing and board decision.

Gerald Johnson- Disciplinary Hearing- Case No. 15-0816 EM

A disciplinary hearing was held and Jamie Cox from Brydon, Swearingen and England represented the board. Sharon Euler acted as the board's legal advisor. Gerald Johnson appeared and was not represented by legal counsel.

Open Session/Discussion

Members of the audience discussed with the board their position on granting a grace period on license renewals. Several of the audience members expressed their desire for a grace period for a certain period of time so licensees would not be penalized if services were performed after the expiration date. A motion was made by Eric Pitman and seconded by Kenneth McGhee to table the discussion until the June 30, 2016 Rules Committee meeting. Motion carried with Gary Fraker and Archie Camden voting in favor with no votes in opposition. Jerald Dickey was not present.

Move to Closed

A motion was made by Gary Fraker and seconded by Archie Camden to move to into closed session pursuant to numbers 1, 2, 7, 8 and 9 of the attached motions to close. Motion carried with Kenneth McGhee voting in favor with no votes in opposition. Jerald Dickey and Eric Pitman were not present.

Adjourn

A motion was made by Gary Fraker and seconded by Kenneth McGhee to adjourn at 3:35 p.m. Motion carried with Eric Pitman voting in favor with no votes in opposition. Jerald Dickey and Archie Camden were not present.

Executive Director _____

Approved by the board on _____

MOTIONS TO GO INTO CLOSED SESSION

1. DISCIPLINE

I move that this meeting be closed and that all records and votes, to the extent permitted by law, pertaining to and/or resulting from this closed meeting be closed under Section 610.021, Subsection (1) RSMo and 324.001.9 RSMo for deliberation on discipline

2. LEGAL ACTIONS/LITIGATIONS/PRIVILEGED COMMUNICATIONS

I move that this meeting be closed and that all records and votes, to the extent permitted by law, pertaining to and/or resulting from this closed meeting be closed under Section 610.021, Subsection (1) RSMo for discussing general legal actions, causes of action or litigation and any confidential or privileged communications between this agency and its attorney

3. PROMOTING/HIRING/DISCIPLINING/FIRING EMPLOYEES

I move that this meeting be closed and that all records and votes, to the extent permitted by law, pertaining to and/or resulting from this closed meeting be closed under Section 610.021, Subsection (3) RSMo discussing hiring, firing, disciplining or promoting an employee of this agency

4. DIAGNOSIS/TREATMENT OF DISCIPLINED LICENSEES

I move that this meeting be closed and that all records and votes, to the extent permitted by law, pertaining to and/or resulting from this closed meeting be closed under Section 610.021, Subsection (5) and Section 324.001.8 RSMo. for proceedings required pursuant to a disciplinary order concerning medical, psychiatric, psychological, or alcoholism or drug dependency diagnosis or treatment of specific licensees

5. EXAMINATION MATERIALS

I move that this meeting be closed and that all records and votes, to the extent permitted by law, pertaining to and/or resulting from this closed meeting be closed under Section 610.021, Subsection (7) RSMo for reviewing testing and examination materials

6. EMPLOYEE PERFORMANCE RATINGS

I move that this meeting be closed and that all records and votes, to the extent permitted by law, pertaining to and/or resulting from this closed meeting be closed under Section 610.021, Subsection (13) RSMo for making performance ratings pertaining to individual employees

7. APPLICATIONS

I move that this meeting be closed and that all records and votes, to the extent permitted by law, pertaining to and/or resulting from this closed meeting be closed under Section 610.021, Subsection (14) and Section 324.001.8 RSMo for discussing educational transcripts and/or test scores and/or complaints and/or audits and/or investigative reports and/or other information pertaining to the licensee or applicant for licensure

8. CLOSED MINUTES

I move that this meeting be closed and that all records and votes, to the extent permitted by law, pertaining to and/or resulting from this closed meeting be closed under Section 610.021, Subsection (14) and 324.017 RSMo for the purpose of reviewing and approving the closed minutes of previous meetings

9. COMPLAINTS/ INVESTIGATIVE REPORTS/AUDITS

I move that this meeting be closed and that all records and votes, to the extent permitted by law, pertaining to and/or resulting from this closed meeting be closed under Section 610.021 subsection (14) and section 620.010.14 subsection (7) RSMo for the purpose of discussing investigative reports and/or complaints and/or audits and/or other information pertaining to a licensee or applicant

Revised 09-11

**State Board of Embalmers and Funeral Directors
Rules Committee**

June 30, 2016

Division of Professional Registration
3605 Missouri Blvd
Jefferson City, MO 65109

OPEN MINUTES

The State Board of Embalmers and Funeral Directors Rules Committee was called to order by Sandy Sebastian, Executive Director, at 8:05a.m.

The order of the items reflected in these minutes is not necessarily reflective of the order in which the items were reviewed and discussed by the committee.

Establishment of Committee Chair

A motion was made by Eric Pitman and seconded by Kenneth McGhee to elect Gary Fraker committee chair. Motion carried with no votes in opposition.

Roll Call

Members Present

Gary Fraker, Member
Kenneth McGhee, Member
Eric Pitman, Member

Staff Present

Sandy Sebastian, Executive Director
Carla Volkart, Administrative Assistant
Lisa Wildhaber, Examiner Supervisor
Sharon Euler, Division Legal Counsel

Approval of Agenda

A motion was made by Kenneth McGhee and seconded by Eric Pitman to approve the agenda. Motion carried with no votes in opposition.

Review of Regulations – (Attachment A)

20 CSR 2120-2.010 Embalmer's Registration and Apprenticeship

20 CSR 2120-2.070 Funeral Establishments (This regulation draft, previously revised by the board, was included in the agenda to be discussed in conjunction with 20 CSR 2120-2.010.)

A motion was made by Kenneth McGhee and seconded by Eric Pitman requesting staff to look at other licensing board's regulations within the Division of Professional Registration regarding the examination and if other examination providers are accepted for licensure and bring that information back to the full board. Motion carried with no votes in opposition.

Discussion included an embalmer contacting the board office if they will be providing a one-time service at a different location to assist the current embalmer licensed at that location. A motion was made by Kenneth McGhee and seconded by Eric Pitman requesting Sharon Euler to draft a proposed rule regarding an embalmer registering with the board where they are providing services and bring back to the full board. Motion carried with no votes in opposition.

What Constitutes Adequate Records for a Seller – Proposed Regulation

The committee reviewed version 1, version 2, as well as a proposed version submitted by William Stalter. A motion was made by Eric Pitman and seconded by Kenneth McGhee requesting Sharon Euler rework the draft proposed rule and make precise bullet points to clarify what would be looked at when the financial examination would be conducted; clarifying the differences if the preneed contract was in a trust, insurance funded, and joint account funded. Motion carried with no votes in opposition.

Section 333.081 and Proposed Regulation “When Forms Considered Filed” to discuss in conjunction with the topic of renewal deadlines/grace periods

The committee discussed if there was a need for a grace period for renewals and reviewed in conjunction with the statutes. Following such the committee decided to pursue no changes.

Open Session/Discussion

No discussion

Move to Open

A motion was made by Kenneth McGhee and seconded by Eric Pitman to move to adjourn at 10:00 a.m. Motion carried with no votes in opposition.

Executive Director: _____

Approved by the board on _____

MOTIONS TO GO INTO CLOSED SESSION

1. DISCIPLINE

I move that this meeting be closed and that all records and votes, to the extent permitted by law, pertaining to and/or resulting from this closed meeting be closed under Section 610.021, Subsection (1) RSMo and 324.001.9 RSMo for deliberation on discipline

2. LEGAL ACTIONS/LITIGATIONS/PRIVILEGED COMMUNICATIONS

I move that this meeting be closed and that all records and votes, to the extent permitted by law, pertaining to and/or resulting from this closed meeting be closed under Section 610.021, Subsection (1) RSMo for discussing general legal actions, causes of action or litigation and any confidential or privileged communications between this agency and its attorney

3. PROMOTING/HIRING/DISCIPLINING/FIRING EMPLOYEES

I move that this meeting be closed and that all records and votes, to the extent permitted by law, pertaining to and/or resulting from this closed meeting be closed under Section 610.021, Subsection (3) RSMo discussing hiring, firing, disciplining or promoting an employee of this agency

4. DIAGNOSIS/TREATMENT OF DISCIPLINED LICENSEES

I move that this meeting be closed and that all records and votes, to the extent permitted by law, pertaining to and/or resulting from this closed meeting be closed under Section 610.021, Subsection (5) and Section 324.001.8 RSMo. for proceedings required pursuant to a disciplinary order concerning medical, psychiatric, psychological, or alcoholism or drug dependency diagnosis or treatment of specific licensees

5. EXAMINATION MATERIALS

I move that this meeting be closed and that all records and votes, to the extent permitted by law, pertaining to and/or resulting from this closed meeting be closed under Section 610.021, Subsection (7) RSMo for reviewing testing and examination materials

6. EMPLOYEE PERFORMANCE RATINGS

I move that this meeting be closed and that all records and votes, to the extent permitted by law, pertaining to and/or resulting from this closed meeting be closed under Section 610.021, Subsection (13) RSMo for making performance ratings pertaining to individual employees

7. APPLICATIONS

I move that this meeting be closed and that all records and votes, to the extent permitted by law, pertaining to and/or resulting from this closed meeting be closed under Section 610.021, Subsection (14) and Section 324.001.8 RSMo for discussing educational transcripts and/or test scores and/or complaints and/or audits and/or investigative reports and/or other information pertaining to the licensee or applicant for licensure

8. CLOSED MINUTES

I move that this meeting be closed and that all records and votes, to the extent permitted by law, pertaining to and/or resulting from this closed meeting be closed under Section 610.021, Subsection (14) and 324.017 RSMo for the purpose of reviewing and approving the closed minutes of previous meetings

9. COMPLAINTS/ INVESTIGATIVE REPORTS/AUDITS

I move that this meeting be closed and that all records and votes, to the extent permitted by law, pertaining to and/or resulting from this closed meeting be closed under Section 610.021 subsection (14) and section 620.010.14 subsection (7) RSMo for the purpose of discussing investigative reports and/or complaints and/or audits and/or other information pertaining to a licensee or applicant

Revised 09-11

**Title 20-DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND
PROFESSIONAL REGISTRATION**

Division 2120-State Board of Embalmers and Funeral Directors

Chapter 1-Organization and Description of Board

PROPOSED AMENDMENT

20 CSR 2120-2.010 Embalmer's Registration and Apprenticeship

PURPOSE: This proposed amendment provides additional clarification of the requirements for licensure updates the terminology to be more consistent with current date; provides additional clarity relating to practicum registrations; and addresses the elimination of the previously required embalmer oral examination requirement.

PURPOSE: This rule establishes the procedures to be used to secure an embalmer's license.

(1) Every person desiring to enter the profession of embalming dead human bodies within Missouri, and who is enrolled in an accredited **[institution] program** of mortuary science, shall complete a practicum as required by the accredited **[institution] program** of mortuary science education.

(2) For every person desiring to enter the profession of embalming dead human bodies within Missouri the board may conduct a criminal history background check through the Missouri State Highway Patrol. Applicants shall submit to the board the applicable fee for the criminal history background check as determined by the Missouri State Highway Patrol.

(3) After registration with the board as a practicum student in an accredited **[institution] program** of mortuary science education, the student may assist in a Missouri licensed funeral establishment preparation room only under the direct supervision of a Missouri licensed embalmer and may assist in the direction of funerals only under the direct supervision of a Missouri licensed funeral director Each person desiring to be a practicum student shall register with the board as a practicum student on the form provided by the board in accordance with the requirements of the accredited **[institution] program** of mortuary science prior to beginning the practicum. Applications shall be accompanied by the applicable fee.

(4) If during the course of the practicum, the practicum student wishes to work at a Missouri licensed funeral establishment other than as designated on the certificate of registration, the practicum student shall notify the board in writing of the name, location, and Missouri licensed funeral establishment license number of the new Missouri licensed funeral establishment prior to practicing as a practicum student at that location. [During the period of the practicum, the certificate of registration issued to the practicum student shall be displayed, at all times, in a conspicuous location accessible to the public at each funeral establishment where the practicum student is working.]

(5) The practicum student registration authorizes the registrant to engage in the practice of embalming only at the Missouri licensed funeral establishment(s) designated on the certificate of registration and only under the direct supervision of a Missouri licensed embalmer. The practicum student may assist in the practice of funeral directing only under the direct supervision of a Missouri licensed funeral director and only at the Missouri licensed funeral establishment(s) designated on the certificate of registration. If during the course of the practicum, the practicum student wishes to work at a Missouri licensed funeral establishment other than as designated on the certificate of registration, the practicum student shall notify the board in writing of the name, location, and Missouri licensed funeral establishment license number of the new Missouri licensed funeral establishment within ten (10) days of the change.]

(6) (5) If the practicum student needs to extend the practicum a new application will be applicable. [Upon successful completion of the practicum, t] The practicum student registration shall become null and void on the end date identified on the practicum registration. [A practicum shall be deemed successfully completed when the practicum student has achieved a passing grade on the practicum from the institution of mortuary science at which the practicum student is enrolled].

[(7) (6) After graduating from an accredited [institution] program of mortuary science education, the applicant then shall file, with the board, an official transcript of his/her embalming school grades showing [s/he] he/she is a graduate of that [school] program. [In addition, the applicant shall ensure that his/her official copy of the national board examination results are provided to the board in writing by the International Conference of Funeral Service Examining Boards, Inc., or designee of the board.] An applicant shall submit proof of having satisfied the requirements of the National Board Funeral Service Arts examination and the National Board Funeral Service Science examination by having his/her official copy of the scores from the International Conference of Funeral Service Examining Boards, Inc., or designee of the board, transmitted to the board from the Conference. In lieu of the National Board Funeral Service Arts examination, successful completion of the Missouri Funeral Service Arts examination will be accepted, or the board may accept successful completion of an examination administered by another state, territory, or province of the United States that is substantially equivalent or more stringent than the Missouri Funeral Service Arts examination.

[(8) (7) Effective July 30, 2004, the Missouri State Board embalmers' examination shall consist of the National Board Funeral Service Arts [section] examination, the National Board Funeral Service Science [section] examination, and Missouri Law [section] examination. Application, payment, scheduling, and administration for the [n]National [b]Board examinations will be made directly through the International Conference of Funeral Service Examining Boards, Inc., or other designee of the board. An applicant shall be exempt from the requirement of successful completion of the Missouri Law [section] examination if the applicant has successfully completed the Missouri Law [section] examination for another Missouri license within the jurisdiction of the board [and] if the current license [is] remains in active status or the applicant was a registered embalmer apprentice or a registered funeral director apprentice at the time of the examination and such examination occurred within the last twenty-four (24) months. In lieu of the National Board Funeral Service Arts examination, successful completion of the Missouri Funeral Service Arts examination results will be accepted, or the board may accept successful completion of an examination administered by another state, territory, or province of the United States that is substantially equivalent or more stringent than the Missouri Funeral Service Arts examination.

[(9) (8) The embalm[ing]er examination shall cover knowledge of the subjects of embalming, anatomy, pathology, bacteriology, mortuary administration, chemistry, restorative arts, together with statutes, rules, and regulations governing the care, custody, shelter, and disposition of dead human bodies and the transportation thereof.

[(10) An applicant shall submit proof of having satisfied the requirements of the National Board Funeral Service Arts section and the National Board Funeral Service Science section of the examination by having his/her official copy of the scores from the International Conference of Funeral Service Examining Boards, Inc., or designee of the board transmitted to the board from the Conference. In lieu of the National Board Funeral Service Arts examination, successful completion of the Missouri Funeral Service Arts examination will be accepted, or the board may accept successful completion of an examination administered by another state, territory, or province of the United States that is substantially equivalent or more stringent than the Missouri Funeral Service Arts examination.

(11) (9) Those applicants achieving seventy-five percent (75%) **or greater** on each of the **[three (3)] [section] examinations** of the embalm[ing]er examination will be deemed to have passed the board's embalm[ing]er examination. Any applicant who scores less than seventy-five percent (75%) on any **[section] examination** of the embalm[ing]er examination may retake the failed **[section] examination**, upon application and payment of the administration and reexamination fees. On any reexamination of a single failed **[section] examination**, the applicant shall score at least seventy-five percent (75%) to pass.

[(12) (10)] After the applicant has made a passing grade on the National Board Funeral Service Arts **[section] examination** and the National Board Funeral Service Science **[section] examination** of the embalm[ing]er examination, **[s/he] he/she** then may apply for registration as an apprentice embalmer. **[In lieu of the National Board Funeral Service Arts examination, successful completion of the Missouri Funeral Service Arts examination will be accepted, or the board may accept successful completion of an examination administered by another state, territory, or province of the United States that is substantially equivalent or more stringent than the Missouri Funeral Service Arts examination. This application shall contain the name(s) of the Missouri licensed embalmer(s) under whom s/he will serve. Each supervisor must be licensed and registered with and approved by the board. Any change in supervisor shall also be registered and approved within ten (10) business days after the change has been made. Applications shall be submitted on the forms provided by the board and shall be accompanied by the applicable fee. Application forms are available from the board office or the board's website at <http://pr.mo.gov/embalmers.asp>.]**

[(13) (11)] Each apprentice embalmer shall provide to the board, on the application provided by the board, **the name(s) of the Missouri licensed embalmer(s) under whom [s/he] he/she will serve**, the name(s), location(s), and license number(s) of the licensed funeral establishment(s) where **[s/he] he/she [is] will be** serving as an apprentice. **Each supervisor must be licensed and registered with and approved by the board.** If the apprentice embalmer begins work at any other licensed funeral establishment **or has a change in supervisors** during the period of apprenticeship, the apprentice embalmer shall notify the board, on the form provided by the board, **of the name(s), and license numbers(s) or each funeral establishment(s) where he/she will be serving as an apprentice and the supervisor must be licensed and registered with and approved by the board prior to beginning as an apprentice embalmer at the funeral establishment [within ten business days after the change has been made]. Applications shall be submitted on the forms provided by the board and shall be accompanied by the applicable fee.**

[(14) (12)] The period of apprenticeship under this rule shall be at least twelve (12) consecutive months. The apprentice embalmer shall devote at least thirty (30) hours per week to his/her duties as an apprentice embalmer **and embalm at least twenty-five (25) dead human bodies.** **[During the period of the apprenticeship, the certificate of registration issued to the apprentice shall be displayed, at all times, in a conspicuous location accessible to the public at each funeral establishment where the apprentice is working.]**

[(15)] Prior to completion of the period of apprenticeship, the apprentice embalmer shall achieve a grade of seventy-five percent (75%) or greater on the Missouri Law exam. This exam may be taken any time after graduating from an accredited institution of mortuary science, but shall be successfully completed prior to appearing before the board for oral examination. The Missouri Law exam covers knowledge of Chapter 333, RSMo, and the rules governing the practice of embalming, funeral directing, and funeral home licensing, along with government benefits, statutes and rules governing the care, custody, shelter, disposition, and transportation of dead human bodies. The Missouri Law section also contains questions regarding Chapter 436, RSMo, relating to pre-need statutes and Chapters 193 and 194, RSMo, relating to the Missouri Department of Health and Senior Services statutes, as well as questions regarding Federal Trade Commission rules and regulations and Occupational Safety and Health Administration (OSHA) requirements as they apply to Missouri licensees. Notification of intent to take this section of the examination shall be received by the board at least fifteen (15) working days prior to the date the candidate plans to sit for the examination.]

(16)] (13) An affidavit provided by the board, signed by both the apprentice and the supervisor(s) verifying that the applicant has successfully completed the embalming of **at least** twenty-five (25) dead human bodies, **devoted at least thirty (30) hours per week to his/her duties as an apprentice embalmer and has served at least twelve (12) consecutive months** shall be submitted to the board at the time of completion of the apprenticeship period [and prior to the oral examination]. **The embalmer apprentice registration authorizes the registrant to engage in the practice of embalming only during the period of apprenticeship and only under the supervisor(s) registered with the board. Once the apprenticeship is successfully completed as defined in this rule, the embalmer apprentice registration is null and void. Any Missouri licensed embalmer who allows a former apprentice who has completed his/her apprenticeship to engage in the practice of embalming before that apprentice is fully licensed shall be subject to discipline for misconduct under section 333.330.2, RSMo.**

(14) Each embalmer applicant shall achieve a grade of seventy-five percent (75%) or greater on the Missouri Law examination, developed and furnished by the International Conference of Funeral Service Examining Boards, Inc., or designee of the board.

[(17)] (15) After successful completion of the embalmer's examination and the embalmer apprenticeship as provided in these rules, the embalmer applicant shall [appear for the oral examination. To appear for the oral examination, the embalmer applicant shall:] **[(A)] [S] submit an application for licensure as an embalmer on a form supplied by the board and pay the applicable fees to the board[; ; and (B) Successfully pass the oral examination administered by the board for licensure].**

[(18) The oral examination shall be conducted by one (1) or more board members who hold a Missouri state embalmer license, or a member of the board staff that is a licensed embalmer, and shall be conducted in person at a place and time established by the board. The oral examination shall consist of no fewer than five (5) substantive questions related to the practice of embalming and/or the statutes, rules, and regulations governing embalming practice in the state of Missouri. Whether the applicant satisfactorily completes the oral examination shall be in the sole discretion of the board.]

[(19)] (16) After satisfactory completion of these requirements, an embalmer's license shall be issued to an [apprentice] embalmer **applicant** upon payment of the applicable fee and subject to the provisions of section 333.~~121~~**330**, RSMo.

[(20)] (17) An applicant shall meet the requirements of the board for licensure within five (5) years of his/her graduation from an accredited [institution] **program** of mortuary science. If the applicant fails to meet the requirements of the board within the required time, a new application and applicable fees shall be filed with the board and the applicant shall be required to **meet the requirements for licensure [appear for the oral examination]** within five (5) years of the new date of application. No previous practicum, apprenticeship [,] **or application [, or Missouri Law section]** will be considered for a new application. However, the successful examination results of the National **or Missouri [Board] Funeral Service Arts [section] examination [and] the National Board Funeral Service Science [section] examination, and the Missouri Law examination, if applicable, developed and furnished by the International Conference of Funeral Service Examining Boards, Inc.,** or designee of the board will be accepted.

[(21)] (18) A Missouri licensed embalmer may engage in the practice of embalming in the state of Missouri only in Missouri licensed funeral establishments **licensed for embalming**. Each embalmer shall inform the board in writing of each funeral establishment name(s), location(s), and license number(s) where the embalmer is performing embalming.

[(22)] (19) A Missouri licensed embalmer has the ongoing obligation to keep the board informed if the licensee has been finally adjudicated or found guilty, or entered a plea of guilty or nolo contendere, in a criminal prosecution under the laws of any state or of the United States, whether or not sentence was imposed. This information shall be provided to the board within thirty (30) days of being finally adjudicated or found guilty.

[(23)] (20) Any embalmer licensed by the board in the state of Missouri who wishes to become a licensed funeral director shall be required to comply with all requirements necessary for licensure as a funeral director, except, the Missouri licensed embalmer shall be exempt from the requirement of a funeral director apprenticeship.

[(24)] (21) Should an individual desire to obtain a Missouri embalmer's license after his/her license has become void under section 333.081.3, RSMo, the individual shall be required to make application, obtain a passing grade on the embalmer examination, **if applicable**, and shall be required to complete a six (6) consecutive month period of apprenticeship, during which time [s/he] he/she shall **devote at least thirty (30) hours per week to his/her duties as an apprentice embalmer and** be required to embalm at least twelve (12) dead human bodies under the supervision of a Missouri licensed embalmer. The applicant shall be required to pay the current applicable apprenticeship and application fees to obtain a new embalmer's license under this section. No previous apprenticeship, application[,] or examination, **if applicable**, will be considered for a new application under this section. However, the successful examination results of the National Board Funeral Service Arts [section] **examination**, [and] the National Board Funeral Science [section] **examination and the Missouri Law Section (if applicable) developed and furnished by the International Conference of Funeral Service Examining Boards, Inc.**, or designee of the board will be accepted.

[(25)] After successful completion of the embalmer's examination and the embalmer apprenticeship as provided in these rules, the embalmer applicant shall appear for the oral examination at a location specified by the board. To arrange for the oral examination, the embalmer applicant shall submit an application of a form supplied by the board and pay the applicable fees to the board. Applicants shall successfully pass the oral examination administered by the board for licensure.

(26) All certificates, registrations, and licenses, or duplicate copies thereof, issued by the State Board of Embalmers and Funeral Directors shall be displayed at all times in a conspicuous location accessible to the public in each office or place of business where they work, for inspection by any duly authorized agent of the board.

(27)] (22) The rules in this division are declared severable. If any rule, or section of a rule, is held invalid by a court of competent jurisdiction or by the Administrative Hearing Commission, the remaining provisions shall remain in full force and effect unless otherwise determined by a court of competent jurisdiction or by the Administrative Hearing Commission.

AUTHORITY: sections 333.041, 333.081, [and 333.121, RSMo Supp. 2008, section] 333.091, [SB 1, Ninety-fifth General Assembly 2009, and section 333.111,] and 43.543, RSMo[2000] Supp2009.* This rule originally filed as 4 CSR 120-2.010. Original rule filed Oct. 17, 1975, effective Oct. 28, 1975. Refiled March 26, 1976. Amended: Filed Aug. 16, 1976, effective Dec. 11, 1976. Amended: Filed April 6, 1978, effective July 13, 1978. Emergency rule filed Nov. 9, 1978, effective Nov. 20, 1978, expired Feb. 11, 1979. Rescinded and readopted: Filed Nov. 8, 1978, effective Feb. 11, 1979. Rescinded and readopted: Filed Jan. 13, 1982, effective April 11, 1982. Rescinded and readopted: Filed Dec. 3, 1982, effective March 11, 1983. Amended: Filed July 17, 1989, effective Oct. 12, 1989. Amended: Filed March 26, 1991, effective Sept. 30, 1991. Amended: Filed Aug. 13, 1991, effective Jan. 13, 1992. Amended: Filed Oct. 16, 1991, effective Feb. 6, 1992. Amended: Filed Feb. 1, 1994, effective July 30, 1994. Amended: Filed Aug. 30, 1995, effective Feb. 25, 1996. Amended: Filed Dec. 22, 1997, effective June 30, 1998. Amended: Filed March 24, 1999, effective Oct. 30, 1999. Amended: Filed March 10, 2000, effective Sept. 30, 2000. Amended: Filed Nov. 1, 2001, effective April 30, 2002. Rescinded and readopted: Filed Dec. 31, 2003, effective July 30, 2004. Moved to 20 CSR 2120-2.010, effective Aug. 28, 2006. Amended: Filed Jan. 30, 2007, effective July 30, 2007. Amended: Filed July 22, 2009, effective Jan. 30, 2010.

*Original authority: 333.041, RSMo 1965, amended 1969, 1977, 1981, 1983, 1993, 1998, 2001; 333.081, RSMo 1965, amended 1981, 2001; 333.091, RSMo 1965, amended 1981, 2009; and 333.111, RSMo 1965, amended 1981, 1993, 1995; 333.121, RSMo 1965, amended 1981, 2007.

**Title 20-DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND
PROFESSIONAL REGISTRATION**

Division 2120-State Board of Embalmers and Funeral Directors

Chapter 2- General Rules

PROPOSED AMENDMENT

20 CSR 2120-2.070 Funeral Establishments

Purpose: The purpose of this amendment is to update the existing regulation's terminology, ~~by~~ and provide additional clarification regarding the chemical disposition process and provide for board discretion to allow a funeral establishment to continue operation at an approved temporary location.-

PURPOSE: This rule clarifies establishment license classifications, establishment names, and the documents to be maintained by licensed funeral homes.

(1) Application for a Missouri licensed funeral establishment license shall be made on the forms provided by the board and shall be accompanied by the appropriate fee. Applications are available from the board's office or the board's website [at <http://pr.mo.gov/embalmers.asp>]. Each application shall indicate which license classification is being sought.

(2) There shall be the following license classifications:

(A) Function A establishments shall have authority to embalm dead human bodies and to transport dead human bodies to and from the funeral establishment. An establishment licensed only as a Function A establishment is prohibited from the care and preparation of dead human bodies other than by embalming, and shall also be prohibited from making funeral arrangements or embalming arrangements with any unlicensed person, cremating, conducting visitations and funeral ceremonies, and furnishing any funeral service in connection with the disposition of dead human bodies, or selling of funeral merchandise. **Each Missouri licensed funeral establishment used solely or partially for embalming shall contain a preparation room that shall be devoted to activities incident or related to the preparation or the embalming, or both, of dead human remains and shall be equipped and maintained as described in 20 CSR 2120-2.090. Each Function A funeral establishment licensed for embalming shall maintain on the premises [in the preparation room] a register log.**

(B) Function B establishments shall have authority to cremate **through the use of any mechanical or chemical means** dead human bodies and to transport dead human bodies to and from the funeral establishment. This establishment shall have a functioning cremation chamber **and/or functioning facilities for alkaline hydrolysis chemical process for final disposition of a dead human body**, except as otherwise provided by Chapter 333, RSMo, and the rules of the board. An establishment licensed only as a Function B establishment is prohibited from the care and preparation of dead human bodies other than by cremating, and shall also be prohibited from embalming, making funeral arrangements or cremation arrangements with any unlicensed person, conducting visitations and funeral ceremonies, and furnishing any funeral service in connection with the disposition of dead human bodies or selling funeral merchandise. In no event shall any licensee or licensed establishment cremate human remains in the same retort used for cremating non-human remains. **Each Missouri licensed funeral establishment which is used solely or partially for cremations shall be equipped and maintained as described in 20 CSR 2120-2.071. This function shall maintain on the premises in the cremation area a cremation log.**

(C) Function C establishments shall have authority for the care and preparation of dead human bodies, other than by embalming or cremating, authority to transport dead human bodies to and from the funeral establishment, make funeral arrangements, and furnish any funeral services in connection with the disposition of dead human bodies or the sale of funeral merchandise. **This function shall contain a separate area for the care and custody of dead human remains that is secured with a functioning lock and a separate area for confidential conferences to arrange funeral services. The Function C establishment shall have on-site equipment necessary for arranging funeral services including tables or desks and chairs for funeral service arrangement conferences and file cabinets for the confidential storage of funeral records. This function shall contain an available restroom and drinking water in the building and an area where funeral ceremonies or visitations may be conducted. The establishment shall be equipped with seating for visitations or funeral ceremonies, casket bier, register book stand, and officiate stand. This function shall maintain on the Missouri premises the following documents:**

- (A) General price list;**
- (B) Preneed contracts which have been cancelled or fulfilled;**
- (C) [Purchase agreements] Written Statements of Goods and Services;**
- (D) Authorizations to embalm or cremate.**
- (E) Register Log;**
- [(F) Preneed Contracts]**

(D) Function D establishments shall have authority to conduct visitations and funeral ceremonies only. A Function D license is dependent upon and shall be operated under the supervision and ownership of a Function C establishment. **This function shall contain an available restroom and drinking water in the building, and an area where funeral ceremonies or visitations may be conducted. The establishment shall be equipped with seating for visitations or funeral ceremonies, casket bier, register book stand, and officiate stand. Each Function D funeral establishment shall maintain on the premises a register log.**

(E) Function E establishment shall have authority to make funeral arrangements and furnish any funeral services in connection with the disposition of dead human bodies or the sale of funeral merchandise. This function shall have a separate area for confidential conferences to arrange funeral services. The Function E establishment shall have on site tables or desks and chairs for funeral service arrangement conferences and file cabinets for the confidential storage of funeral records. This function shall contain an available restroom and drinking water in the building. The establishment is to be used only for arranging funerals and visitations to be conducted at another facility, no services shall be held at this establishment. This function shall maintain on the premises the following documents:

- A) General price list;**
- (B) Preneed contracts which have been cancelled or fulfilled;**
- (C) Written Statements of Goods and Services;**
- (D) Authorizations to embalm or cremate;**
- (E) Register Log.**

(F) Function G establishment shall have the authority to conduct embalming off site at licensed Missouri funeral establishments. A Function G license is dependent upon and shall be operated under the supervision and ownership of a Function A establishment. This function shall This function shall sign the embalming log at the funeral establishment where the embalming occurred and shall include the signature of the embalmer and the name of the funeral establishment performing the embalming. See end of document for discussion topics.

(3) If a Missouri licensed funeral establishment wishes to [change or] add to its classification, it shall file a new application for a Missouri licensed funeral establishment indicating its new classification. If a Missouri licensed funeral establishment desires to eliminate one (1) of its functions, [,other than a Function C,] it shall notify the board in writing of its intention to surrender the function, but is not required to file a new application for a new Missouri licensed funeral establishment.

~~[(4) A Missouri licensed funeral establishment shall not be used for any other business purpose other than as a Missouri licensed funeral establishment. It shall be permissible for a Missouri licensed funeral establishment to be in the same building as another business so long as the Missouri licensed funeral establishment has a separate entrance and a separate street address.] (4)A Missouri licensed funeral establishment shall not be used for any business purpose other than as a Missouri licensed funeral establishment, except as otherwise permitted by statute or rule.~~

~~A. It shall be permissible for a Missouri licensed funeral establishment to be in the same building as another business so long as the Missouri licensed funeral establishment has a separate entrance and separate address.~~

~~B. It shall be permissible to engage in the business of being a preneed seller, preneed provider, preneed agent and/or the sale of life insurance at a Missouri licensed funeral establishment so long as all persons involved in such business hold the necessary licenses to engage in such business lawfully.~~

(5) A Missouri licensed funeral establishment shall be used only for the function for which it is licensed.

(6) Each application for a funeral establishment shall be made in the name of the person or business entity authorized to conduct business in Missouri. No license shall be issued to an establishment that has no legal recognition. A Missouri licensed funeral establishment shall maintain a current and active authorization to conduct business in Missouri with the Missouri Secretary of State.

(7) A funeral establishment application shall indicate the name and license number of the Missouri licensed funeral director-in-charge, as defined by 20 CSR 2120-1.040. When the Missouri licensed funeral director-in-charge changes ~~[for a period of more than thirty (30) days]~~, the new Missouri licensed funeral director-in-charge and the former Missouri licensed funeral director-in-charge, jointly or individually, shall notify the board of the change within ~~[thirty (30)] fifteen (15)~~ days of the date when the change first occurs. Failure to notify the board shall be considered a violation of this rule on the part of each Missouri funeral director licensee and on the part of the Missouri licensed funeral establishment. A change in the Missouri licensed funeral director-in-charge does not require a new Missouri licensed funeral establishment license.

(8) Within thirty (30) days after an application for a Missouri licensed funeral establishment has been received in the board's office, the board shall cause the establishment to be inspected. The board shall act on the application and, within thirty (30) days after the application was received in the board's office, the applicant will be advised whether the license is granted or denied. If an applicant determines the establishment will not meet the qualifications for inspection or licensure within the thirty (30)-day application period, up to two (2) thirty (30)-day extensions of the application may be requested by the applicant in writing to the board before the application expires. Each request for an extension shall be received by the board prior to the expiration of the application or extension period.

(9) The establishment license issued by the board is effective for a fixed place or establishment and for a specific name of a person or entity authorized to conduct business in Missouri and may include one (1) "doing business as" name. The license issued by the board shall be displayed in a conspicuous location accessible to the general public at that location. Whenever the ownership, location, or name of the Missouri licensed establishment is changed, a new license shall be obtained. If the Missouri licensed funeral establishment maintains a chapel, preparation room, or other facility in a building or portion physically separated from and located at a place designated by an address differing from the office, chapel, or other facilities of the applicant, the chapel, preparation room, or other funeral facility otherwise located shall be deemed to be a separate funeral establishment. Nothing contained in this rule shall be construed or interpreted to require a separate registration for a building if it is joined or connected by a private passage, walk or driveway existing between the registered establishment and the other building.

(A) If a change of ownership is caused by the elimination of one (1) or more owners, for whatever reason (death, sale of interest, divorce, etc.) without the addition of any new owner(s), it is not necessary to obtain a new establishment license. However, a new application for an establishment license form shall be filed as an amended application **[within thirty (30) days] prior to [after]** the change of ownership. This form shall be filled out completely with correct, current information.

(B) A corporation is considered by law to be a separate person. If a corporation owns a Missouri licensed funeral establishment, it is not necessary to obtain a new establishment license or to file an amended application for an establishment license if the owners of the stock change.

(C) However, as a separate person, if a corporation begins ownership of a Missouri licensed funeral establishment or ceases ownership of a Missouri licensed funeral establishment, a new establishment license shall be obtained regardless of the relationship of the previous or subsequent owner to the corporation.

(10) The professional business and practice of funeral directing shall be conducted only from a fixed place or establishment that has been licensed by the board except as permitted by section 333.071, RSMo. The Missouri licensed funeral establishment physical facility shall be under the general management and supervision of the Missouri licensed funeral director-in-charge. Every Missouri licensed funeral establishment shall provide and allow access to any member or **[duly authorized]** agent of the board for the purpose of inspection, **investigation, examination or audit as authorized in Chapters 333 and 436 [as provided by sections 333.061 and 333.101]**, RSMo. If any representative of the Missouri licensed funeral establishment fails or refuses to provide or allow access, it shall be considered a violation of this rule by the Missouri licensed funeral establishment and by the Missouri licensed funeral director-in-charge of the Missouri licensed funeral establishment. Additionally, if the Missouri licensed funeral establishment representative who fails or refuses to provide or allow access holds any license or registration issued by this board, that person shall be in violation of this rule.

(11) No one licensed by this board may be employed in any capacity by an unlicensed funeral establishment. Violation of this section will be deemed misconduct in the practice of embalming or funeral directing.

(12) Only one (1) **Missouri funeral establishment** license will be issued by this board for any physical facility that is considered to be a Missouri licensed funeral establishment as defined by statute and rule.

(A) If a Missouri funeral establishment licensed by this board is destroyed by fire or some other disaster or act of God, the board, in its discretion, for a period of not more than six (6) months, may allow the Missouri licensed funeral establishment to continue its operation from another Missouri licensed funeral establishment or from a facility that has not been licensed as a funeral establishment if the facility meets the minimum requirements for the functions outlined in section (2) of this rule. **The temporary location is not intended for long-term use, but rather as a means to maintain the business of the Missouri licensed establishment while it actively pursues the steps necessary to re-open its facilities at the licensed location.**

(B) **If the Missouri licensed funeral establishment has not been able to re-open its facilities at the licensed location within the initial six (6) months, then the Missouri licensed funeral establishment may make a written request to the board for an additional six (6) months to continue to operate from its temporary location which the board shall grant, at its discretion.**

(C) **If the Missouri licensed funeral establishment is unable to re-open its facilities at its licensed location after the expiration of the second six (6) month extension, then the Missouri licensed funeral establishment may make a written request and make an appearance before the bBoard to present its plan to re-open at the licensed location and show good cause for any additional extension.**

(D) **Before a Missouri license funeral establishment operates at any location other than its licensed location, that establishment must make a written request to the board that sets forth the reason a temporary location is required, the address of the requested temporary location, and show a legal right to occupy the premises at the temporary location that may include a deed, a rental agreement, a letter from the owner of the temporary location or other similar written documentation. Upon approval of the**

temporary location, the board shall issue its written notice of approval. The temporary location may not be used by the licensee until it receives that written notice of approval from the board.

(E) When the Missouri licensed funeral establishment is ready to re-open the facilities at the licensed location, it must notify the board, in writing, that it is ready to re-open and the board will conduct an inspection to ensure the facilities at the licensed location comply with all requirements to be operated as a licensed establishment and upon approval will provide written notice to the establishment that it is approved to resume operations at the licensed location. No new application or application fee shall be required.

(F) In order to operate at a temporary location, the Missouri licensed funeral establishment must take all steps necessary to maintain its establishment license in a current and active status.

(13) A Missouri licensed funeral establishment may use only its registered name in any advertisement or holding out to the public.

(A) All signs, stationery and any advertising in newspapers, publications or otherwise, shall include the name(s) of the Missouri licensed funeral establishment registered with the board. Advertisements that do not comply with this section shall be deemed misleading for the purposes of section 333.[121]330, RSMo.

(B) It shall not be deemed to be misleading if a listing appears in a telephone directory or national directory if the name of the Missouri licensed funeral establishment changes after the listing has been placed, but before a new directory is published.

(14) The interior and exterior of the Missouri licensed funeral establishment physical plant shall be **maintained in a manner that does not present a potential or actual hazard to the health, safety, or welfare of the public and** kept free and clean of litter, dirt, debris, and clutter [or other objects or conditions which present a potential or actual hazard to the health, safety, or welfare of the public].

[(15) The interior and exterior of the Missouri licensed funeral establishment physical plant shall be maintained in a manner that does not present a potential or actual hazard to the health, safety, or welfare of the public.]

(16) Each Missouri licensed funeral establishment used solely or partially for embalming shall contain a preparation room that shall be devoted to activities incident or related to the preparation or the embalming, or both, of dead human remains and shall be equipped and maintained as described in 20 CSR 2120-2. 090.]

[(17)] (15) No person shall be permitted in a preparation room during the course of embalming a dead human body except the employees of the Missouri licensed funeral establishment in that the human body is being embalmed, members of the family of the deceased, and persons authorized by the members of the family of the deceased, or any person otherwise authorized by law.

[(18) Each Missouri licensed funeral establishment which is used solely or partially for cremations shall be equipped and maintained as described in 20 CSR 2120-2.071.]

(19) Each Function C establishment shall contain a separate area for the care and custody of dead human remains and a separate area for confidential conferences to arrange funeral services. The Function C establishment shall have on-site equipment necessary for arranging funeral services including tables or desks and chairs for funeral service arrangement conferences and file cabinets for the confidential storage of funeral records.

(20) Each Function C or Function D establishment shall contain a restroom, available drinking water, and an area where funeral ceremonies or visitations may be conducted. The establishment shall be equipped with seating for visitations or funeral ceremonies, casket bier, register book stand, officiate stand, flower display stands, and music- producing equipment.

(21)] (16) According to section 333.~~[21.2(17)]~~**330**, RSMo, the State Board of Embalmers and Funeral Directors may impose disciplinary action for failure to obtain authorization to embalm from the person entitled to custody or control of the body, if the body is embalmed. If the body is not embalmed, a Missouri licensed funeral establishment shall not hold the unembalmed body for any longer than twenty-four (24) hours unless the unembalmed body is refrigerated in a cooling unit at a temperature of forty degrees Fahrenheit (40° F) or cooler or encased in an airtight metal or metal-lined burial case, casket or box that is closed and hermetically sealed. If the deceased gave written authorization to embalm and did not revoke the authorization, the authorization shall satisfy this requirement. If the deceased did not give written authorization to embalm, the next of kin of the deceased may give authorization to embalm. Authorization to embalm may be given by the next of kin prior to the death of the person whose body is to be embalmed. Authorization to embalm given prior to death may be in any written document, including a preneed contract.

(A) The next of kin, for purposes of this rule, shall be as defined in section 194.119.2, RSMo.

(B) Any person or friend who assumes responsibility for the disposition of the deceased's remains if no next of kin assumes such responsibility may authorize to embalm the deceased;

(C) The county coroner or medical examiner pursuant to the provisions of Chapter 58, RSMo may authorize to embalm the deceased;

(D) If the body is required to be buried at public expense, the body shall be disposed of according to the terms of section 194.150, RSMo;

(E) If the Missouri licensed funeral establishment receives no authorization to embalm from any of the persons identified in subsections (~~[21]16~~)(A), (B), or (C) of this rule, the Missouri licensed funeral establishment may proceed with embalming if it has attempted to locate a person from whom authorization to embalm may be obtained for at least six (6) hours and it has a written statement from city, county, or state law enforcement officials that they have assisted the Missouri licensed funeral establishment in attempting to locate such a person. However, the Missouri licensed embalmer may proceed to embalm sooner if the condition of the body is such that waiting for six (6) hours would substantially impair the ability to effectively embalm the body or if the deceased died as a result of a communicable disease, was subject to isolation at the time of death; and

(F) If a Missouri licensed embalmer proceeds to embalm a body under the provisions of subsection (21)(E), the Missouri licensed funeral establishment which employs the Missouri licensed embalmer shall not require payment for the embalming unless the funeral arrangements that are subsequently made authorized the embalming.

[(22)] (17) Each Missouri licensed funeral establishment shall maintain documentation of the following information regarding authorization to embalm a body which is embalmed by or on behalf of the Missouri licensed funeral establishment—

(A) When authorization to embalm is given in writing:

(1). The name of the deceased

~~[1]~~ **(2)**. The name and signature of the person who is authorizing embalming;

~~[2]~~ **(3)**. The relationship of that person to the deceased;

~~[3]~~ **(4)**. The time and date authorization to embalm was given; and

~~[4]~~ **(5)**. The name and title of the person receiving authorization to embalm on behalf of the Missouri licensed funeral establishment; and

(B) Authorization to embalm shall be given in writing if the person authorizing embalming is present in the Missouri licensed funeral establishment or in the physical presence of the person receiving authorization to embalm on behalf of the Missouri licensed funeral establishment. If verbal authorization to embalm is given, the Missouri licensed funeral establishment shall document:

1. The name of the person who is actually authorizing embalming, if different from the person who is verbally communicating authorization to embalm to the Missouri licensed funeral establishment;

2. The relationship of that person to the deceased;

3. The name of the person who is verbally communicating authorization to embalm and that person's relationship to the person who is actually authorizing embalming;

4. The time and date authorization to embalm was given; and

5. The name and title of the person receiving authorization to embalm on behalf of the Missouri licensed funeral establishment.

[(23) Each Function C funeral establishment shall maintain on the Missouri premises the following documents:

- (A) General price list;
- (B) Preneed contracts which have been cancelled or fulfilled;
- (C) Purchase agreements; and
- (D) Authorizations to embalm or cremate.]

(24) Each Function A funeral establishment licensed for embalming shall maintain on the premises in the preparation room a register log.

[(25) Each Function B funeral establishment licensed for cremation shall maintain on the premises a completely functioning cremation chamber, as defined by 20 CSR 2120-2.071(1)(D), and maintain on the premises in the cremation area a cremation log. A Function B establishment shall not be in violation of this rule if the cremation chamber is completely restored to functioning capacity within one hundred twenty (120) days from the date the cremation chamber ceases to be in compliance with this section. However, if there are extenuating circumstances, and the cremation chamber could not be repaired, documentation of such shall be provided to the board for review and approval. Cremation chambers shall be maintained in proper working order and in compliance with all applicable Missouri Department of Health and Senior Services statutes, rules and regulations; Missouri Department of Natural Resources, statutes, rules and regulations; and all other applicable federal, city, county, and municipal statutes, rules and regulations.

(A) If a Function B establishment has only one (1) cremation chamber, and that chamber is not functioning, notification from the establishment shall be made to the board within ten (10) business days after the cremation chamber stops functioning.

(B) A Function B establishment that has a nonfunctioning cremation chamber may arrange for cremation at another licensed establishment, if the use of an alternate establishment for purposes of cremation is disclosed to the third party making the arrangements on the cremation authorization form.

1. Cremation areas shall contain only the articles, instruments, and items that are necessary for the preparation and cremation of dead human bodies. For purposes of this section, the cremation area shall include the entire room where the retort is located and any rooms used for viewing or visitation of a dead human body awaiting cremation or that is being cremated or being removed from the cremation chamber. This paragraph (25)(B)1. shall not apply to establishments containing retorts or cremation areas for the cremation of non-human remains prior to April 1, 2008, provided that such establishment shall be prohibited from cremating human remains at the same time or in the same retort as non-human remains.

2. Any establishment containing an area for the cremation of non-human remains prior to April 1, 2008, shall be required to comply with this rule if a change of ownership is caused by the addition or replacement of one (1) or more owners or a new corporation begins ownership of the establishment. This paragraph (25)(B)2. shall not apply if only the owners of the stock of a corporation changes.

3. In no event shall any licensee or licensed establishment cremate human remains in the same retort used for cremating non-human remains].

[26] (19) All documents required by this rule to be maintained, shall be maintained on the premises of the Missouri licensed funeral establishment for two (2) years from the date the record was created. All documents required to be maintained by this rule may be maintained electronically, but all documents shall be stored in such a manner to allow access by the board and so the board, or its assignee, may easily and timely obtain hard copies or electronic copies in a format easily readable by the board, or its assignee.

[27]] (20) Each funeral establishment shall maintain a register log [as defined by 20 CSR2120-1.040(21)].[The log shall be kept in the preparation or embalming room of the Missouri licensed funeral establishment at all times and in full view for a board inspector. If the funeral establishment does not contain a preparation or embalming room,] [the log shall be kept] on the premises of the licensed funeral establishment and shall be easily accessible and in full view for a board inspector. A register log shall [contain the information required by 20 CSR 2120-1.040(21)]. , **include the following:**

- (A) The name of the deceased;**
- (B) The date and time the dead human body arrived at the funeral establishment;**
- (C) The date and time the embalming took place, if applicable;**
- (D) The name and signature of the Missouri licensed embalmer, if applicable;**
- (E) The name and signature of the Missouri registered apprentice embalmer, if any;**
- (F) The Missouri licensed embalmer's license number, if applicable;**
- (G) The Missouri apprentice embalmer registration number, if any; and**
- (H) The name of the licensed funeral establishment, or other that was in charge of making the arrangements if from a different location.**

[28]] (21) No dead human body shall be buried, disinterred, interred, or cremated within this state or removed from this state, unless the burial, disinterment, interment, cremation, removal, or other authorized disposition, is performed under the direction of a Missouri licensed funeral establishment or Missouri licensed funeral director, unless otherwise authorized by law. If the disinterment does not require legal notification to the county coroner or medical examiner, a funeral director's presence may not be required. Nothing in this rule shall be interpreted to require the use of a Missouri licensed funeral establishment or director if the person(s) having the right to control the incidents of burial request or determine otherwise, provided that this provision does not exempt any person from licensure as required by Chapter 333, RSMo. **Any licensed funeral establishment or funeral director that makes arrangements for an unlicensed person to transport dead human bodies within the state of Missouri, or out of this state, is responsible for the conduct of the unlicensed person.**

[29]] (22) A licensee shall be prohibited from knowingly using, placing, or including any false, misleading, deceptive or materially incorrect information, or assisting or enabling any person to provide such information, on a death certificate filed in the state of Missouri.

[30]] (23) Whenever a dead human body is donated to a medical or educational institution for medical and/or scientific study and arrangements for return of the body to the legal next of kin have not been made, then delivery of the body to the medical or educational institution shall constitute final disposition. If, however, arrangements for return of the body to the legal next of kin have been made, then final disposition shall be the burial, interment, cremation, or removal of the body out of this state, after the medical or educational institution has returned the body.

[31]] (24) The rules in this division are declared severable. If any rule, or section of a rule, is held invalid by a court of competent jurisdiction or by the Administrative Hearing Commission, the remaining provisions shall remain in full force and effect unless otherwise determined by a court of competent jurisdiction or by the Administrative Hearing Commission.

AUTHORITY: sections 333.061 and 333.121, RSMo Supp. 2008 and sections 333.091, 333.111, and 333.145, RSMo 2000. This rule originally filed as 4 CSR 120-2.070. Original rule filed Oct. 17, 1975, effective Oct. 28, 1975. Amended: Filed Aug. 16, 1976, effective Dec. 11, 1976. Emergency rule filed Nov. 9, 1978, effective Nov. 20, 1978, expired Feb. 11, 1979. Rescinded and readopted: Filed Nov. 8, 1978, effective Feb. 11, 1979. Rescinded and readopted: Filed Jan. 13, 1982, effective April 11, 1982. Amended: Filed Aug. 6, 1982, effective Nov. 11, 1982. Amended: Filed Sept. 12, 1985, effective Dec. 26, 1985. Rescinded and readopted: Filed May 28, 1987, effective Sept. 11, 1987. Amended: Filed June 24, 1988, effective Sept. 29, 1988. Amended: Filed Sept. 6, 1988, effective Dec. 11, 1988. Amended: Filed Sept. 6, 1989, effective Dec. 28, 1989. Amended: Filed Dec. 4, 1989, effective March 11, 1990. Amended: Filed Sept. 5, 1990, effective March 14, 1991. Amended: Filed March 4, 1991, effective Sept. 30, 1991. Amended: Filed Aug. 15, 1991, effective Jan. 13, 1992. Amended: Filed Dec. 14, 1992, effective June 7, 1993. Amended: Filed Nov. 29, 1994, effective July 30, 1995. Amended: Filed Sept. 3, 1996, effective April 30, 1997. Amended: Filed Nov. 1, 2001, effective April 30, 2002. Rescinded and readopted: Filed Dec. 31, 2003, effective July 30, 2004. Moved to 20 CSR 2120-2.070, effective Aug. 28, 2006. Amended: Filed Nov. 15, 2007, effective May 30, 2008. Amended: Filed April 8, 2009, effective Oct. 30, 2009.*

**Original authority: 333.061, RSMo 1965, amended 1981, 2001; 333.091, RSMo 1965, amended 1981; 333.111, RSMo 1965, amended 1981, 1993, 1995; 333.121, RSMo 1965, amended 1981, 2007; and 333.145, RSMo 1981.*

TEMS FOR DISCUSSION/CLARIFICATION

- 1. Relating to the proposed Function G**
 - a. The specific requirements for the function.**
 - b. Liability – who is responsible**
 - c. Embalming log completion/maintenance**
 - d. Display of licenses**
 - e. Relationship registration**
- 2. Interim embalmer**

(changes to previous draft made following December, 2015 meeting in yellow)

**Title 20-DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND
PROFESSIONAL REGISTRATION
Division 2120-State Board of Embalmers and Funeral Directors
Chapter 3 – Preneed
PROPOSED RULE**

What Constitutes Adequate Records for a Seller

1. A seller shall maintain the basic financial and contract records with regard to all **trust and joint accounts preneed contracts** to include the standard books of account and the supporting records that are necessary to safeguard and account for the receipt and disbursement of preneed funds.
2. Adequate records for a seller to maintain shall include, at a minimum:
 - (1) receipt and disbursement journals containing a record of deposits to and withdrawals from both preneed trusts and preneed joint accounts, specifically identifying the date, source, and description of each item deposited as well as the date, payee, and purpose of each disbursement;
 - (2) ledger records for all preneed trust and preneed joint accounts showing, for each separate preneed contract, the source of all funds deposited, the amount of such funds, the descriptions and amounts of withdrawals, and the names of all persons or entities to whom such funds were disbursed;
 - (3) preneed contracts, trust agreements, trust administration agreements, provider agreements, preneed agent agreements, and all correspondence related to the preneed contract;
 - (4) accountings showing the disbursement of funds;
 - (5) records showing disbursements;
 - (6) the physical or electronic equivalents of all checkbook registers, bank statements, records of deposit, pre-numbered canceled checks, and substitute checks provided by a financial institution;
 - (7) records of all electronic transfers from preneed trust or preneed joint accounts, including the name of the person authorizing transfer, the date of transfer, the name of the recipient and confirmation from the financial institution of the trust account number from which money was withdrawn and the date and the time the transfer was completed;
 - (8) reconciliations of the preneed accounts;
 - (9) those portions of preneed files that are reasonably related to account transactions;
 - (10) records of credit card transactions related to any preneed transaction to the extent permitted by law and the payment card industry data security standard;

(11) all information obtained by the seller related to any insurance policy used to fund any preneed contract that may include a copy of the insurance policy, any assignment or beneficiary designations, any statement showing any status of any insurance policy used to fund a preneed contract.

(12) any communications between the seller and the purchaser and/or beneficiary of the preneed contract related to the preneed contract;

(13) any written certificates of performance received by the seller.

3. No seller shall commingle personal funds or other funds in a preneed trust or a preneed joint account.

4. All records required to be maintained by a seller may be maintained in paper or electronic or a combination of paper and electronic formats, but shall be maintained in a manner such that the required information may be retrieved and provided to the board in a timely manner, upon request in accordance with the statutes and regulations governing the board.

**Title 20-DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND
PROFESSIONAL REGISTRATION
Division 2120-State Board of Embalmers and Funeral Directors
Chapter 3 – Preneed
PROPOSED RULE**

What Constitutes Adequate Records for a Seller

- 1. A seller shall maintain, at a minimum, the basic financial and contract records with regard to all preneed contracts that are reasonably necessary to safeguard and account for the receipt, the deposit, and disbursement of preneed funds.**

- 2. Adequate records for a seller to maintain shall include, at a minimum:**
 - (1) Records that show the date, the name of the payor, and description of any payments made to fund a preneed contract and records showing those funds were deposited into a preneed trust, a joint account or paid to an insurance company, as per the preneed contract. For trust and joint account funded preneed contracts, these records shall include, but not be limited to, the date and amount of the funds received by the seller and by the seller’s agent, the date and amount of the funds deposited into any account and identifying the institution receiving the deposits and the account, the date and amount of the funds deposited into a preneed trust or joint account, including identification of the account and the institution holding the account. If funds for a preneed contract are paid by the consumer directly to the financial institution, the seller shall maintain records from the financial institution showing the dates and amounts of each deposit and the name of the preneed contract beneficiary for whose benefit the deposit is made. For insurance funded preneed contracts, if the seller or the seller’s agent receives payment from the consumer for the insurance, the seller shall maintain records that show the date, the name of the payor, and description of any consumer payments and shall document any account into which those funds are deposited and the date, the name of the payor, and description of payments to any insurance company;**

 - (2) Records showing payment for fulfilled preneed contracts including, but not limited to, written certificate of performance for each preneed contract fulfilled, requests to the financial institution and/or insurance company for payment, evidence of the date the seller received the funds from the financial institution or insurance company, the account from which the funds were paid to the seller, and documentation of the payment by the seller to the provider including, but not limited to, the name to whom payments were made, the date and amount of each payment, and a description of payment to the provider. If the seller and the provider are the same entity, the seller shall maintain records including, but not limited to, those showing the written statement of goods and services provided to fulfill the preneed contract, the written certificate of performance, the date payment was requested from the financial information or insurance company, the date and amount of payment received from the financial institution or insurance company;**

- (3) Records showing any notice of cancellation, evidence of the date, the name of the payor, and description of any payments for cancelled contracts;**
 - (4) Records showing any disbursement from a preneed trust or joint account for any purpose other than cancellation or fulfillment of a preneed contract with a description of the purpose for the disbursement;**
 - (5) Copies of preneed contracts, trust agreements, trust administration agreements, provider agreements, preneed agent agreements, insurance agreements, insurance assignments, insurance beneficiary designations, and any other contracts or other agreements between purchasers, beneficiaries, providers, sellers, agents, financial institutions, insurance companies, investment advisors and trustees related to preneed contracts or the holding of preneed funds;**
 - (6) Copies of account statements for joint accounts, trust statements for trust accounts, and any statements received from insurance companies listing the insurance policies in effect and/or the status of any insurance policy that names the seller or the provider, on a preneed contract sold by the seller, as beneficiary or owner;**
 - (7) All information obtained or possessed by the seller related to any insurance policy used to fund any preneed contract that may include, but not be limited to, a copy of the insurance policy, any assignment or beneficiary designations, and the status of any insurance policy; and**
 - (8) Any written communications between the seller and any preneed agent, provider, purchaser and/or beneficiary of the preneed contract related to the preneed contract;**
- 3. All records required to be maintained by a seller may be maintained in paper or electronic or a combination of paper and electronic formats, but shall be maintained in a manner such that the required information may be retrieved and provided to the board in a timely manner, upon request in accordance with the statutes and regulations governing the board.**

Seller Recordkeeping

A. Consumer Payments

With regard to consumer funds received by the Seller or the Seller's agent, the Seller shall create and maintain a consumer receipts record for each calendar month that reflects the following:

1. The purchaser's name;
2. The payor name if different than the purchaser;
3. The preneed contract number;
4. The date received;
5. The source of funds (cash, check, money order, etc)
6. The date the funds were submitted or forwarded to the funding agent;
7. The funding agent (if the consumer receipts journal is maintained for more than one funding agent);

A Seller shall create a consumer receipts record for every month including those months in which no payments were received, until all contracts are paid in full or have lapsed according to the terms of the preneed contract.

The seller may, but is not required, to maintain a separate consumer receipts record for each funding agent used.

The seller shall maintain a copy of each deposit form or report that reflects each consumer payment transmitted during the month. Nothing shall preclude the seller from using the consumer receipts report as its deposit form.

When accepting cash from the consumer, the seller shall provide the consumer a written receipt reflecting the amount and date received, and maintain a copy in the seller's records.

With regard to funds paid by the consumer directly to the Seller's funding agent, the seller shall cause the funding agent to provide a monthly report that reflects the following for each preneed contract receiving a payment:

1. The purchaser's name;
2. The preneed contract number;
3. The date deposited to trust;
4. The amount received;
5. Any amount distributed to the seller as origination fee or sales expense;

With regard to funds received either by the Seller or the Seller's funding agent, the seller, or its agent, shall create and maintain as a record a monthly payment report that reflects the following for each preneed contract receiving a payment:

1. The purchaser's name;

2. The preneed contract number;
3. The date deposited to trust, deposited with the bank or received by the insurance company;
4. The payment amount;
5. The beginning payment balance;
6. The ending payment balance;
7. The beginning trust or bank balance;
8. Any amount distributed to the seller as origination fee or sales expense;
9. The ending trust or bank balance;

In lieu of monthly payment reports, the seller may maintain individual preneed contract ledgers that reflect:

1. The purchaser's name;
2. The preneed contract number;
3. The date and amount of each payment;
4. The beginning and ending payment balances with regard to each payment;
5. The beginning and ending trust balance with regard to each payment;
6. Any amount requested as origination fee or sales expense from a payment;

If the Seller uses a commercial banking account to receive and transmit funds to a trustee or insurance company (a clearing account), the seller shall maintain all statements issued with regard to such account as a record required by this regulation.

Individual ledgers and consumer payment receipts journals may be maintained in a paper format or an Excel format.

All records described in this regulation shall be maintained for a period of one year after the seller's most recent financial examination.

**Title 20-DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND
PROFESSIONAL REGISTRATION**

Division 2120-State Board of Embalmers and Funeral Directors

Chapter 3 – Preneed

PROPOSED RULE

What Constitutes Adequate Records for a Seller

- 1. A seller shall maintain, at a minimum, the basic financial and contract records with regard to all preneed contracts that are reasonably necessary to safeguard and account for the receipt, the deposit, and disbursement of preneed funds.**

- 2. Adequate records for a seller to maintain shall include, at a minimum:**

(1) Records that show the date, the name of the payor, and description of any payments made to fund a preneed contract and records showing those funds were deposited into a preneed trust, a joint account or paid to an insurance company, as per the preneed contract.¹ For trust and joint account funded preneed contracts, these records shall include, but not be limited to, the date and amount of the funds received by the seller and by the seller's agent, the date and amount of the funds deposited into any account and identifying the institution receiving the deposits and the account, the date and amount of the funds deposited into a preneed trust or joint account, including identification of the account and the institution holding the account.² If funds for a preneed contract are paid by the consumer directly to the financial institution, the seller shall maintain records from the financial institution showing the dates and amounts of each deposit and the name of the preneed contract beneficiary for whose benefit the deposit is made.³ For insurance funded preneed contracts, if the seller or the seller's agent receives payment from the consumer for the insurance, the seller shall maintain records that show the date, the name of the payor, and description of any consumer payments and shall document any account into which those funds are deposited and the date, the name of the payor, and description of payments to any insurance company⁴;

¹ This seems to contemplate two distinct records, but I doubt sellers will understand that without more explanation. There should be one record for the receipt of funds, another record for the transfer of the funds to the funding agent.

² Isn't this redundant with the record contemplated by the first sentence?

³ A couple of issues with this sentence. First, the seller may have to require the trustee to input payments that reflect the necessary information. Trust accounting systems are not created equally, and some banks do not want to put much work into individual transaction descriptions. Second, we are more concerned with the purchaser of the contract than the beneficiary. Who can cancel this contract and seek a refund.

⁴ Consider the separation of records between receipt and transfer of funds.

(2)⁵ Records showing payment for fulfilled preneed contracts including, but not limited to, written certificate of performance for each preneed contract fulfilled, requests to the financial institution and/or insurance company for payment, evidence of the date the seller received the funds from the financial institution or insurance company, the account from which the funds were paid to the seller, and documentation of the payment by the seller to the provider including, but not limited to, the name to whom payments were made, the date and amount of each payment, and a description of payment to the provider.⁶ If the seller and the provider are the same entity, the seller shall maintain records including, but not limited to, those showing the written statement of goods and services provided to fulfill the preneed contract, the written certificate of performance, the date payment was requested from the financial information or insurance company, the date and amount of payment received from the financial institution or insurance company;

(3) Records showing any notice of cancellation, evidence of the date, the name of the payor, and description of any payments for cancelled contracts;

(4) Records showing any disbursement from a preneed trust or joint account for any purpose other than cancellation or fulfillment of a preneed contract with a description of the purpose for the disbursement⁷;

(5) Copies of preneed contracts, trust agreements, trust administration agreements, provider agreements, preneed agent agreements, insurance agreements⁸, insurance assignments, insurance beneficiary designations, and any other contracts or other agreements between purchasers, beneficiaries, providers, sellers, agents, financial institutions, insurance companies, investment advisors and trustees related to preneed contracts or the holding of preneed funds;

(6) Copies of account statements for joint accounts, trust statements for trust accounts⁹, and any statements received from insurance companies listing the insurance policies in effect and/or the status of any insurance policy that names the seller or the provider, on a preneed contract sold by the seller, as beneficiary or owner;

(7)¹⁰ All information obtained or possessed by the seller related to any insurance policy used to fund any preneed contract that may include, but not be limited to, a copy of the insurance policy, any assignment or beneficiary designations, and the status of any insurance policy; and

(8) Any written communications between the seller and any preneed agent, provider, purchaser and/or beneficiary of the preneed contract related to the preneed contract¹¹;

3. All records required to be maintained by a seller may be maintained in paper or electronic or a combination of paper and electronic formats, but shall be maintained in a manner such that the

⁵ As suggested previously, lead off with the disbursement record required of all sellers, and then address the special requirements of sellers with third party providers.

⁶ Anticipate the push back regarding the timeliness of withdrawals. Their argument has been what difference is it to the Board when I withdraw my money. Well, you could reply that the examination is to ensure the safety of the consumer's funds, not to count the funeral home's money. So, get it out of there.

⁷ The term 'disbursement' would catch all trust expenses. Should there be any disbursement of payments except for cancellation, transfer per an alternative provider or fulfillment?

⁸ Insurance brokerage agreements?

⁹ Probably need more of an explanation about trust transaction statements, trust asset listings, and individual account reports that are generated by the TPA.

¹⁰ You may need to preface this with an explanation that this record is intended for the beneficiary designations made on existing policies.

¹¹ You should include communications between the seller and its funding agents.

required information may be retrieved and provided to the board in a timely manner, upon request in accordance with the statutes and regulations governing the board.

State Board of Embalmers and Funeral Directors

June 30, 2016

Division of Professional Registration
3605 Missouri Boulevard
Jefferson City, Missouri 65109

OPEN MINUTES

The meeting of the State Board of Embalmers and Funeral Directors was called to order by Collin Follis, chairman, at 10:21 a.m.

Roll Call

Board Members Present

Collin Follis, Chairman

Gary Fraker, Vice Chairman

Jerald Dickey, Secretary

Eric Pitman, Board Member

Kenneth McGhee, Board Member- left meeting at 2:10 p.m. during closed session- participated in meeting via telephone from 2:14 p.m.- 3:06 p.m.

Archie Camden, Public Board Member- left meeting at 2:12 p.m. during closed session

Staff Present

Sandy Sebastian, Executive Director

Lori Hayes, Inspector

Carla Volkart, Administrative Assistant

Lisa Wildhaber, Examiner Supervisor

Sharon Euler, Division Legal Counsel

The order of the items reflected in these minutes is not necessarily reflective of the order in which the items were reviewed and discussed by the board.

Approval of Agenda

A motion was made by Eric Pitman and seconded by Gary Fraker to approve the open agenda with an amendment to add the topic of the fee rule and previously discuss renewal fee reduction. Motion carried with Kenneth McGhee, Archie Camden and Jerald Dickey voting in favor with no votes in opposition.

Fee Rule and Reduction

Sandy discussed the emergency fee rule decision made by the board relating to reducing renewal fees for the upcoming 2016 and 2017-2018 renewal period to reduce preneed seller and agent renewal fees to \$5 for the 2017-2018 renewal period. She stated that in the discussions with the Secretary of State's office and the Joint Committee on Administrative Rules there was some concern regarding filing consecutive emergency rules for the same fee types and that it was likely the emergency fee rule might not be an option to cover the renewal fee reduction for the 2016 renewal period, impacting sellers and agents. Sandy also stated that in order to seek reduced renewal fees for the 2017-2018 renewal periods impacting the other professions it may need to accompany a proposed amendment to review other fees relating to all professions. Sandy stated that her concerns included any impact made by a statutory change and it had been discussed with division staff that a proposed amendment would potentially need to be filed if any changes went into effect that would impact the board's fee structure and change the projections that had been used to develop reductions that may be proposed. A motion was made by Kenneth McGhee and seconded by Archie Camden to approve the filing of the emergency rule, if possible, and the proposed amendment to reduce the renewal fees to \$5 for 2017-2018. Motion carried with Jerald Dickey and Eric Pitman. Gary Fraker was not present.

Review Draft of Legislative Proposals – Attachment A

Sandy stated that the previous year the board approved 22 legislative proposals and following discussions with the division and subsequent conversation with Collin Follis, chairman, spoke on 6 of the approved. Those six included 333.021, 333.325, 333.330, 436.440, and 436.500. Sandy stated that the division would like each of the licensing boards to submit six of their top legislative proposals for this upcoming session. Of the 22 proposals on the agenda, which were approved by the board the previous year, Sandy specifically reviewed the 6 that were noted above.

333.041

The proposal from the previous year was discussed, specifically (5) and 3. A motion was made by Eric Pitman and seconded by Gary Fraker amend the language in the previously approved draft of Section 333.041 (5) to read (*gray highlighted text only as the other bold and brackets are previously approved changes to the existing language*)

Has arranged to serve an apprenticeship under the supervision of a Missouri licensed embalmer in a Missouri licensed funeral establishment licensed for embalming. Upon issuance of an apprentice license, the apprentice licensee shall devote at least twelve consecutive months and at least 30 hours per week to his or her duties as an apprentice. [Has been employed full time in funeral service in a licensed funeral establishment and] The apprentice licensee shall submit proof to the board, on forms provided by the board, that the he or she has personally embalmed at least twenty-five dead human bodies under the **registered** personal supervision of **[an] a Missouri licensed embalmer [who holds a current and valid Missouri embalmer's license or an embalmer who holds a current and valid embalmer's license in a state with which the Missouri board has entered into a reciprocity agreement during an apprenticeship of not less than twelve consecutive months]. "Personal supervision" means that the licensed embalmer shall be physically present during the entire embalming process in the for a minimum of the first twelve bodies embalmed and** first six months of the apprenticeship period and **[physically present at the beginning of the embalming process and]** available for consultation and personal inspection **[within a period of not more than one hour in]** the remaining six months of the apprenticeship period. **[All transcripts and other records filed with the board shall become a part of the board files.]; and**

Motion carried with Archie Camden, Kenneth McGhee and Jerald Dickey voting in favor with no votes in opposition.

Following further discussion a motion was made by Jerald Dickey and seconded by Eric Pitman to approve staff to move forward with the six legislative proposals identified in 333.021, 333.325, 333.330, 436.440, and 436.500. Motion carried with Archie Camden, Kenneth McGhee and Gary Fraker voting in favor with no votes in opposition.

Examination Score Regulation Clean-Up

Sandy discussed the score reports for examination scores received from The International Conference of Funeral Service Examining Boards and how the scores are not a percentage but rather a weighted score with 75 being the passing score and requested the board consider making a blanket motion to correct all of the board's the regulations that state an applicant must receive a 75% to read 75 since the scores are not by percentage but a scaled score. A motion was made by Gary Franker and seconded by Eric Pitman to approve staff to make the corrections to the regulations. Motion carried with Archie Camden, Kenneth McGhee and Jerald Dickey voting in favor with no votes in opposition.

Communication/Request from William Stalter, Stalter Legal Services LLC – Attachment B

The board reviewed a letter from William Stalter and his request to revisit the issues of seller fees, funeral establishments and the use of multiple DBAs, and the scope of financial examinations. A motion was made by Kenneth McGhee and seconded by Jerald Dickey to not revisit the issue of funeral establishments and the use of multiple DBAs. Motion carried with Gary Fraker, Eric Pitman and Archie Camden voting in favor with no votes in opposition.

A motion was made by Kenneth McGhee and seconded by Gary Fraker to add the topic of seller fees to a future board meeting agenda. Motion carried with Eric Pitman, Jerald Dickey and Archie Camden voting in favor with no votes in opposition.

Open Discussion

Gary Fraker discussed an amendment that would be voted on in November regarding tax on services. He stated that the amendment would mean that funeral directors would be required to tax the service sections of charges.

Move to Closed

A motion was made by Kenneth McGhee and seconded by Jerald Dickey to move into closed session pursuant to numbers 1, 2, 7, 8, and 9 of the attached motions to close. Motion carried with Archie Camden and Eric Pitman voting in favor with no votes in opposition. Gary Fraker was not present.

Adjourn

A motion was made by Gary Fraker and seconded by Jerald Dickey to adjourn at 3:27 p.m. Motion carried with Eric Pitman voting in favor with no votes in opposition. Kenneth McGhee and Archie Camden were not present.

Executive Director _____

Approved by the board on _____

MOTIONS TO GO INTO CLOSED SESSION

1. DISCIPLINE

I move that this meeting be closed and that all records and votes, to the extent permitted by law, pertaining to and/or resulting from this closed meeting be closed under Section 610.021, Subsection (1) RSMo and 324.001.9 RSMo for deliberation on discipline

2. LEGAL ACTIONS/LITIGATIONS/PRIVILEGED COMMUNICATIONS

I move that this meeting be closed and that all records and votes, to the extent permitted by law, pertaining to and/or resulting from this closed meeting be closed under Section 610.021, Subsection (1) RSMo for discussing general legal actions, causes of action or litigation and any confidential or privileged communications between this agency and its attorney

3. PROMOTING/HIRING/DISCIPLINING/FIRING EMPLOYEES

I move that this meeting be closed and that all records and votes, to the extent permitted by law, pertaining to and/or resulting from this closed meeting be closed under Section 610.021, Subsection (3) RSMo discussing hiring, firing, disciplining or promoting an employee of this agency

4. DIAGNOSIS/TREATMENT OF DISCIPLINED LICENSEES

I move that this meeting be closed and that all records and votes, to the extent permitted by law, pertaining to and/or resulting from this closed meeting be closed under Section 610.021, Subsection (5) and Section 324.001.8 RSMo. for proceedings required pursuant to a disciplinary order concerning medical, psychiatric, psychological, or alcoholism or drug dependency diagnosis or treatment of specific licensees

5. EXAMINATION MATERIALS

I move that this meeting be closed and that all records and votes, to the extent permitted by law, pertaining to and/or resulting from this closed meeting be closed under Section 610.021, Subsection (7) RSMo for reviewing testing and examination materials

6. EMPLOYEE PERFORMANCE RATINGS

I move that this meeting be closed and that all records and votes, to the extent permitted by law, pertaining to and/or resulting from this closed meeting be closed under Section 610.021, Subsection (13) RSMo for making performance ratings pertaining to individual employees

7. APPLICATIONS

I move that this meeting be closed and that all records and votes, to the extent permitted by law, pertaining to and/or resulting from this closed meeting be closed under Section 610.021, Subsection (14) and Section 324.001.8 RSMo for discussing educational transcripts and/or test scores and/or complaints and/or audits and/or investigative reports and/or other information pertaining to the licensee or applicant for licensure

8. CLOSED MINUTES

I move that this meeting be closed and that all records and votes, to the extent permitted by law, pertaining to and/or resulting from this closed meeting be closed under Section 610.021, Subsection (14) and 324.017 RSMo for the purpose of reviewing and approving the closed minutes of previous meetings

9. COMPLAINTS/ INVESTIGATIVE REPORTS/AUDITS

I move that this meeting be closed and that all records and votes, to the extent permitted by law, pertaining to and/or resulting from this closed meeting be closed under Section 610.021 subsection (14) and section 620.010.14 subsection (7) RSMo for the purpose of discussing investigative reports and/or complaints and/or audits and/or other information pertaining to a licensee or applicant

Revised 09-11

Unlicensed person not to engage in practice [of embalming or funeral directing].

333.021. 1. No person **or entity** shall engage in the practice of embalming, **funeral directing or act as a preneed agent, seller, provider or funeral establishment** in this state unless **[he has a] that person or entity holds the appropriate** license(s) as required by this chapter.

2. No person **or entity** shall **[engage in the practice of funeral directing unless he has a license issued under this chapter nor shall any person]** use in connection with his name or business any of the words "undertaker", "mortician", "funeral home", "funeral parlor", "funeral chapel", "funeral consultant", "funeral director" or other title implying that he is in the business **of acting as a funeral director, embalmer, establishment, seller or provider, as defined [as funeral directing]** herein, unless **[he or the individual having control, supervision or management of his business is duly licensed to practice funeral directing in this state]** the person or entity holds a valid license to act as such as required by this chapter.

License, application for [Qualifications of] embalmer applicants—qualifications for, examinations—licenses[—board may waive requirements in certain cases].

333.041. 1. [Each applicant for a license to practice funeral directing shall furnish evidence to establish to the satisfaction of the board that he or she is:

(1) At least eighteen years of age, and possesses a high school diploma, a general equivalency diploma, or equivalent thereof, as determined, at its discretion, by the board; and

(2) A person of good moral character.

2.] Every person [desiring to enter the profession of embalming dead human bodies within the state of Missouri and] who is enrolled in a program accredited by the American Board of Funeral Service Education, any successor organization, or other accrediting entity as approved by the board **and needs to complete an embalming practicum in Missouri** shall [register with] **apply to** the board **for a license** as a practicum student [upon] **on** the form provided by the board **and pay the current fee established by the board before beginning any such practicum**. After [such registration] **receipt of a practicum license**, a student may assist, under the direct supervision of Missouri licensed embalmers and funeral directors, in Missouri licensed funeral establishments, while serving his or her practicum. [The form for registration as a practicum student shall be accompanied by a fee in an amount established by the board.]

[3] **2.** Each applicant for a license to practice embalming shall **submit to the board a written application on forms furnished by the board, pay the current application fees, and shall** furnish evidence to establish to the satisfaction of the board that he or she:

(1) Is at least eighteen years of age, and possesses a high school diploma, a general equivalency diploma, or equivalent thereof, as determined, at its discretion, by the board;

(2) Is a person of good moral character;

(3) Has completed a funeral service education program accredited by the American Board of Funeral Service Education, any successor organization, or other accrediting entity as approved by the board. [If an applicant does not complete all requirements for licensure within five years from the date of his or her completion of an accredited program, his or her registration as an apprentice embalmer shall be automatically cancelled. The applicant shall be required to file a new application and pay applicable fees. No previous apprenticeship shall be considered for the new application];

(4) [Upon due examination administered by the board, is possessed of a knowledge of the subjects of embalming, anatomy, pathology, bacteriology, mortuary administration, chemistry, restorative art, together with statutes, rules and regulations governing the care, custody, shelter and disposition of dead human bodies and the transportation thereof or has passed the national board] **Has submitted proof of successful completion of the National Board Funeral Service Arts or the Missouri Funeral**

Service Arts examination and the National Board Funeral Service Science examinations of the Conference of Funeral Service Examining Boards, or successor organization. **The board shall by rule and regulation prescribe the standard for successful completion of the examinations.** [If any applicant fails to pass the state examination, he or she may retake the examination [at the next regular examination meeting. The applicant shall notify the board office of his or her desire to retake the examination at least thirty days prior to the date of the examination. Each time the examination is retaken, the applicant shall pay a new examination fee in an amount established by the board];

(5) **Has arranged to serve an apprenticeship under the supervision of a Missouri licensed embalmer in a Missouri licensed funeral establishment licensed for embalming. Upon issuance of an apprentice license, the apprentice licensee shall devote at least twelve consecutive months and at least 30 hours per week to his or her duties as an apprentice.** [Has been employed full time in funeral service in a licensed funeral establishment and] **The apprentice licensee shall submit proof to the board, on forms provided by the board, that the he or she** has personally embalmed at least twenty-five dead human bodies under the personal supervision of [an] **a Missouri licensed** embalmer [who holds a current and valid Missouri embalmer's license or an embalmer who holds a current and valid embalmer's license in a state with which the Missouri board has entered into a reciprocity agreement during an apprenticeship of not less than twelve consecutive months]. "Personal supervision" means that the licensed embalmer shall be physically present during the entire embalming process in the first six months of the apprenticeship period and physically present at the beginning of the embalming process and available for consultation and personal inspection within a period of not more than one hour in the remaining six months of the apprenticeship period. [All transcripts and other records filed with the board shall become a part of the board files.]; **and**

(6) Meets all other requirements for licensure as required by statute or rule or regulation.

[4. If the applicant does not complete the application process within the five years after his or her completion of an approved program, then he or she must file a new application and no fees paid previously shall apply toward the license fee.

5. Examinations required by this section and section 333.042 shall be held at least twice a year at times and places fixed by the board. The board shall by rule and regulation prescribe the standard for successful completion of the examinations.]

3. The applicant shall submit proof of successful completion of the Missouri Law examination of the Conference of Funeral Service Examining Boards, or successor organization. The board shall by rule and regulation prescribe the standard for successful completion of the examination.

[6] **4.** Upon establishment of his or her qualifications as specified by this section [or section 333.042], the board shall issue to the applicant a license to practice [funeral directing or] embalming [, as the case may require,] and shall register the applicant as a duly licensed [funeral director or a duly licensed] embalmer. [Any person having the qualifications required by this section and section 333.042 may be granted both a license to practice funeral directing and to practice embalming.]

5. If an applicant does not complete all requirements for embalming licensure within twenty-four consecutive months from the date of his or her application, the application for licensure shall be cancelled. The applicant shall be required to file a new application, pay applicable fees, and fulfill the requirements for licensure outlined in this section. No previous apprenticeship shall be considered for the new application.

6. Any person meeting the qualifications required by this section and section 333.042 may be granted both a license to practice funeral directing and to practice embalming, upon proper application and paying applicable fees.

[7. The board shall, upon request, waive any requirement of this chapter and issue a temporary funeral director's license, valid for six months, to the surviving spouse or next of kin or the personal representative of a licensed funeral director, or to the spouse, next of kin, employee or conservator of a licensed funeral director disabled because of sickness, mental incapacity or injury.]

(L. 1965 p. 522 § 4, A.L. 1969 H.B. 56, A.L. 1977 S.B. 6, A.L. 1981 S.B. 16, A.L. 1983 S.B. 44 & 45, A.L. 1993 S.B. 27, A.L. 1998 S.B. 854, A.L. 2001 H.B. 48, A.L. 2011 H.B. 265 merged with S.B. 325)

License, [A]application for funeral director applicants – [and examination fees for funeral directors,] apprenticeship requirements--examinations [content for applicants--apprenticeship duties--appearance before board]--limited license only for cremation--exemptions from apprenticeship.

333.042. 1. [Every person desiring to enter the profession of funeral directing in this state] **Each applicant for a license to practice funeral directing shall [make] submit to the board a written application on forms furnished by the board, [with the state board of embalmers and funeral directors and] pay the current application [and examination] fees, and shall furnish evidence to establish to the satisfaction of the board that he or she:** [. Except as otherwise provided in section 41.950, applicants not entitled to a license pursuant to section 333.051 shall serve an apprenticeship for at least twelve consecutive months in a funeral establishment licensed for the care and preparation for burial and transportation of the human dead in this state or in another state which has established standards for admission to practice funeral directing equal to, or more stringent than, the requirements for admission to practice funeral directing in this state. The applicant shall devote at least fifteen hours per week to his or her duties as an apprentice under the supervision of a Missouri licensed funeral director. Such applicant shall submit proof to the board, on forms provided by the board, that the applicant has arranged and conducted ten funeral services during the applicant's apprenticeship under the supervision of a Missouri licensed funeral director. Upon completion of the apprenticeship, the applicant shall appear before the board to be tested on the applicant's legal and practical knowledge of funeral directing, funeral home licensing, preneed funeral contracts and the care, custody, shelter, disposition and transportation of dead human bodies. Upon acceptance of the application and fees by the board, an applicant shall have twenty-four months to successfully complete the requirements for licensure found in this section or the application for licensure shall be cancelled.]

(1) Is at least eighteen years of age, and possesses a high school diploma, a general equivalency diploma, or equivalent thereof, as determined, at its discretion, by the board; [and]

(2) A person of good moral character[.];

(3) [Except as otherwise provided in section 41.950, applicants not entitled to a license pursuant to section 333.051 s]Has arranged to serve an apprenticeship of at least twelve consecutive months in a Missouri licensed funeral establishment licensed for the care and preparation for burial and transportation of the human dead. Upon issuance of an apprentice license, the apprentice licensee shall devote at least fifteen hours per week to his or her duties as an apprentice under the supervision of a Missouri licensed funeral director. The apprentice licensee shall submit proof to the board, on forms provided by the board, that he or she has arranged and conducted ten funeral services during the apprenticeship under the supervision of a Missouri licensed funeral director[.];

(4) Upon completion of the apprenticeship, the applicant shall submit proof of successful completion of the National Board Funeral Service Arts examination or the Missouri Funeral Service Arts examination, and the Missouri Law examination of the Conference of Funeral Service Examining Boards, or successor organization. The board shall by rule and regulation prescribe the standard for successful completion of the examinations; and

(5) Meets all other requirements for licensure as required by statute or rule or regulation.

2. If a person applies for a limited license to work only in a funeral establishment which is licensed only for cremation, including transportation of dead human bodies to and from the funeral establishment, he or she shall make application, pay the current application [and examination] fees and successfully complete the Missouri law examination. He or she shall be exempt from the twelve **consecutive [-]** month apprenticeship required by subsection 1 of this section and the [practical] **National Board Funeral Service Arts examination or the Missouri Funeral Service Arts** examination before the board. If a person has a limited license issued pursuant to this subsection, he or she may obtain a full funeral director's license if he or she fulfills the apprenticeship and successfully completes the **required** examination.

3. If an applicant does not complete all requirements for funeral director licensure within twenty-four consecutive months from the date of his or her application the application for licensure shall be cancelled. The applicant shall be required to file a new application, pay applicable fees, and fulfill the requirements for licensure outlined in this section. No previous apprenticeship shall be considered for the new application.

[3] **4.** If an individual is a Missouri licensed embalmer or has completed a program accredited by the American Board of Funeral Service Education, any successor organization, or other accrediting entity as approved by the board or has successfully completed a course of study in funeral directing offered by an institution accredited by a recognized national, regional or state accrediting body and approved by the state board of embalmers and funeral directors, and desires to enter the profession of funeral directing in this state, the individual shall comply with all the requirements for licensure as a funeral director pursuant to subsection 1 of section 333.041 and subsection 1 of this section; however, the individual is exempt from the twelve **consecutive [-]** month apprenticeship required by subsection 1 of this section.

5. Upon establishment of his or her qualifications as specified by this section the board shall issue to the applicant a license to practice funeral directing and shall register the applicant as a duly licensed funeral director.

(L. 1993 S.B. 27, A.L. 1998 S.B. 854, A.L. 2001 H.B. 48, A.L. 2011 H.B. 265 merged with S.B. 325)

Recognition of persons licensed in other states, --fees.

333.051. 1. [Any individual holding a valid, unrevoked and unexpired license as a funeral director or embalmer in the state of his or her residence may be granted a license to practice funeral directing or embalming in this state on application to the board and on providing the board with such evidence as to his or her qualifications as is required by the board.

2. Any individual holding a valid, unrevoked and unexpired license as an embalmer or funeral director in another state having requirements substantially similar to those existing in this state may apply for a license to practice in this state by filing with the board a certified statement from the examining board of the state or territory in which the applicant holds his or her license showing the grade rating upon which the license was granted, together with a recommendation, and the board shall grant the applicant a license upon his or her successful completion of an examination over Missouri laws as required in section 333.041 or section 333.042 if the board finds that the applicant's qualifications meet the requirements for funeral directors or embalmers in this state at the time the applicant was originally licensed in the other state.

3. A person holding a valid, unrevoked and unexpired license to practice funeral directing or embalming in another state or territory with requirements less than those of this state may, after five consecutive years of active experience as a licensed funeral director or embalmer in that state, apply for a license to practice in this state after passing a test to prove his or her proficiency, including but not limited to a knowledge of the laws and regulations of this state as to funeral directing and embalming.]

Any individual holding a valid, unrevoked and unexpired license as a funeral director or embalmer in any other state may be granted a license to practice funeral directing or embalming in this state on application to the board, payment of applicable fees, and upon providing the board with evidence as to his or her qualifications for licensure.

2. Any individual holding a valid, unrevoked and unexpired license as an embalmer or funeral director in another state having licensure requirements substantially similar to those existing in this state may apply for a license to practice in this state by filing with the board:

a. An application for licensure showing that the applicant is eligible for licensure in this state and payment of any fees the Board shall establish by rule;

b. A statement from the examining board(s) of the state in which the applicant holds a current and unrevoked license as an embalmer and/or funeral director;

c. Written documentation of any discipline imposed on any professional license held by the applicant;

d. Documentation of successful completion of the National Board Funeral Service Arts examination of the Conference of Funeral Service Examining Boards, or successor organization, if seeking licensure as a funeral director, and National Board Funeral Service Arts examination and National Board Funeral Service Sciences examinations of the Conference of Funeral Service

Examining Boards, or successor organization, if seeking licensure as an embalmer, or evidence of licensure for the preceding five consecutive years as a funeral director and/or embalmer; and

e. Evidence of successful completion of the Missouri Law exam of the Conference of Funeral Service Examining Boards, or successor organization.

.(L. 1965 p. 522 § 5, A.L. 1981 S.B. 16, A.L. 1998 S.B. 854, A.L. 2011 H.B. 265 merged with S.B. 325)

No funeral establishment to be operated by unlicensed person--license requirements, application procedure--license may be suspended or revoked or not renewed.

333.061. 1. No funeral establishment shall be operated in this state unless the owner or operator thereof has a **funeral establishment** license issued by the board.

2. A license for the operation of a funeral establishment shall be issued by the board, if the board finds:

(1) That the establishment is under the general management and the supervision of a duly licensed funeral director;

(2) That all embalming performed therein is performed by or under the direct supervision of a duly licensed embalmer;

(3) That any place in the funeral establishment where embalming is conducted contains a preparation room with a sanitary floor, walls and ceiling, and adequate sanitary drainage and disposal facilities including running water, and complies with the sanitary standard prescribed by the department of health and senior services for the prevention of the spread of contagious, infectious or communicable diseases;

(4) Each funeral establishment shall have available in the preparation or embalming room a register book or log which shall be available at all times in full view for the board's inspector and the name of each body embalmed, place, if other than at the establishment, the date and time that the embalming took place, the name and signature of the embalmer and the embalmer's license number shall be noted in the book; and

(5) The establishment complies with all applicable state, county or municipal zoning ordinances and regulations.

3. **[The board shall grant or deny each application for a license pursuant to this section within thirty days after it is filed. The applicant may request in writing up to two thirty-day extensions of the application, provided the request for an extension is received by the board prior to the expiration of the thirty-day application or extension period.] If an applicant does not meet the requirements for licensure within six months from the date of the application, the applicant shall be required to file a new application and no fees previously paid shall apply toward the application fee.**

[4. Licenses shall be issued pursuant to this section upon application and the payment of a funeral establishment fee and shall be renewed at the end of the licensing period on the establishment's renewal date.

5]4. The board may refuse to renew or may suspend or revoke any license issued pursuant to this section if it finds, after hearing, that the funeral establishment does not meet any of the requirements set forth in this section as conditions for the issuance of a license, or for the violation by the owner of the funeral establishment of any of the provisions of section **[333.121] 333.330**. No new license shall be issued to the owner of a funeral establishment or to any corporation controlled by such owner for three years after the

revocation of the license of the owner or of a corporation controlled by the owner. Before any action is taken pursuant to this subsection the procedure for notice and hearing as prescribed by section **[333.121]** **333.330** shall be followed.

License renewal, fee--failure to renew, effect--business address required.

333.081. 1. Each license issued to a funeral director or embalmer pursuant to this chapter shall expire unless renewed on or before the renewal date. The board may, however, provide for the renewal of licenses held by individuals who are not actively engaged in practice and who are over sixty-five years of age without fee. The board shall renew any such license upon due application for renewal and upon the payment of the renewal fee, except that no license shall expire during the period when the holder thereof is actively engaged in the military service of the United States. Any licensee exempted from the renewal of his or her license because of military service shall, before beginning practice in this state after leaving military service, apply for and pay the renewal fee for the current licensing period.

2. When renewing a funeral director's or embalmer's license the licensee shall specify the address of the funeral establishment at which he or she is practicing or proposes to practice and shall notify the board of any termination of his or her connection therewith. The licensee shall notify the board of any new employment or connection with a funeral establishment of a permanent nature. If the licensee is not employed at or connected with a funeral establishment he shall notify the board of his or her permanent address.

3. Each license issued to a funeral establishment pursuant to this chapter shall expire unless renewed on or before the renewal date.

[3]4. The holder of an expired license shall be issued a new license by the board within two years of the renewal date after he or she has paid delinquent renewal fees. Any license not renewed within two years shall be void.

[4]5. Failure of the licensee to receive the renewal notice shall not relieve the licensee of the duty to pay the renewal fee and renew his or her license.

(L. 1965 p. 522 § 8, A.L. 1981 S.B. 16, A.L. 2001 H.B. 48)

[Rules and regulations of board, procedure--fees, how set.

333.111. 1. The board shall adopt and enforce rules and regulations for the transaction of its business and for standards of service and practice to be followed in the professions of embalming and funeral directing deemed by it necessary for the public good and consistent with the laws of this state. The board may also prescribe a standard of proficiency as to the qualifications and fitness of those engaging in the practice of embalming or funeral directing.

2. The board shall set the amount of the fees which this chapter authorizes and requires by rules and regulations promulgated pursuant to section 536.021. The fees shall be set at a level to produce revenue which shall not substantially exceed the cost and expense of administering this chapter.

3. No rule or portion of a rule promulgated under the authority of this chapter shall become effective unless it has been promulgated pursuant to the provisions of section 536.024.

(L. 1965 p. 522 § 11, A.L. 1981 S.B. 16, A.L. 1993 S.B. 52, A.L. 1995 S.B. 3)]

Rulemaking authority, procedure--fees.

333.340. 1. The board shall adopt and enforce rules for the transaction of its business and for standards of service and practice to be followed in the professions of embalming and funeral directing deemed by it necessary for the public good and consistent with the laws of this state. The board may also prescribe a standard of proficiency as to the qualifications and fitness of those engaging in the practice of embalming or funeral directing.

2. The board shall set the amount of the fees which this chapter authorizes and requires by rules promulgated **[under] pursuant to** section 536.021. The fees shall be set at a level to produce revenue which shall not substantially exceed the cost and expense of administering this chapter.

3. The board shall promulgate and enforce rules for the transaction of its business and for standards of service and practice to be followed for the licensing **[and registration]** of **funeral establishments**, providers, sellers, and preneed agents deemed necessary for the public good and consistent with the laws of this state.

4. No rule or portion of a rule promulgated under the authority of this chapter shall become effective unless it has been promulgated pursuant to the provisions of section 536.024.

[4. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2009, shall be invalid and void.]

(L. 2009 S.B. 1)

Applicability of law.

333.310. The provisions of sections 333.310 to 333.340 shall not apply to a cemetery operator **licensed pursuant to section 214.275** who sells contracts or arrangements for **funeral merchandise or services** for which payments received by, or on behalf of, the purchaser are **deposited either to an escrow account, or a preneed trust, governed by an agreement approved by the Office of Endowed Care Cemeteries** [required to be placed in an endowed care fund or for which a deposit into a segregated account is required under chapter 214;] provided that a cemetery operator shall comply with sections 333.310 to 333.340 if the contract or arrangement sold by the operator includes services that may only be provided by a licensed funeral director or embalmer. **A cemetery operator claiming an exemption pursuant to this section and section 436.410, shall, concurrent with the application for renewal of licensure pursuant to section 214.275, file a statement of exemption with the State Board of Embalmers and Funeral Directors and Office of Endowed Care Cemeteries. If requested by the State Board of Embalmers and Funeral Directors, the cemetery operator shall provide proof of licensure pursuant to section 214.275.**

Applicability exceptions.

436.410. The provisions of sections 436.400 to 436.52[0]5 shall not apply to any contract or other arrangement sold by a cemetery operator **licensed pursuant to section 214.275, who sells, contracts or otherwise makes arrangements for funeral merchandise or funeral related services** for which payments received **from, or on behalf of, the purchase are deposited either to an escrow account, or a preneed trust governed by the provision of Chapter 214,** provided that a cemetery operator shall **comply with sections 333.310 to 333.340 if the contract or arrangements sold by the operator includes services that may only be provided by a licensed funeral director or embalmer. A cemetery operator claiming exemption pursuant to this section and section 333.310, shall, concurrent with the application for renewal of licensure pursuant to section 214.275, file a statement with the board and also with the office of endowed care cemeteries. If requested by the board, the cemetery operator shall provide proof of licensure under Chapter 214 to the board.** [by or on behalf of the purchaser are required to be placed in an endowed care fund or for which a deposit into a segregated account is required under chapter 214; provided that a cemetery operator shall comply with sections 436.400 to 436.520 if the contract or arrangement sold by the operator includes services that may only be provided by a licensed funeral director or embalmer.]

Provider license required--application procedure--renewal of licensure--expiration of license.

333.315. 1. No person shall be designated as a provider or agree to perform the obligations of a provider under a preneed contract unless, at the time of such agreement or designation, such person is licensed as a preneed provider by the board. Nothing in this section shall exempt any person from meeting the licensure requirements for a funeral establishment as provided in this chapter.

2. An applicant for a preneed provider license shall:

(1) File an application on a form established by the board and pay an application fee in an amount established by the board by rule;

(2) Be authorized and registered with the Missouri secretary of state to conduct business in Missouri;

(3) Identify the name and address of a custodian of records responsible for maintaining the books and records of the provider relating to preneed contracts;

(4) Identify the name and address of each seller authorized by the provider to sell preneed contracts in which the provider is designated or obligated as the provider;

(5) File with the state board a written consent authorizing the state board to inspect or order an investigation, examination, or audit of the provider's books and records which contain information concerning preneed contracts sold for or on behalf of a seller or in which the applicant is named as a provider; and

(6) If the applicant is a corporation, each officer, director, manager, or controlling shareholder shall be eligible for licensure if they were applying for licensure as an individual.

3. Each preneed provider shall apply to renew his or her license on or before **[October thirty-first of each year or]** a date established by the division of professional registration pursuant to section 324.001. A license which has not been renewed prior to the renewal date shall expire. Applicants for renewal shall:

(1) File an application for renewal on a form established by the board **[by rule]**;

(2) Pay a renewal fee in an amount established by the board by rule, however no renewal fee shall be required for any funeral establishment whose Missouri license is current and active;

(3) Be authorized and registered with the Missouri secretary of state to conduct business in Missouri;

(4) File an annual report with the state board which shall contain:

(a) The name and address of a custodian of records responsible for maintaining the books and records of the provider relating to preneed contracts;

(b) The business name or names used by the provider and all addresses from which it engages in the practice of its business;

(c) The name and address of each seller with whom it has entered into a written agreement since last filing an annual report with the board authorizing the seller to designate or obligate the licensee as the provider in a preneed contract; and

(d) Any information required by any other applicable statute or regulation enacted pursuant to state or federal law.

4. A license which has not been renewed as provided by this section shall expire. A licensee who fails to apply for renewal may apply for reinstatement within two years of the renewal date by satisfying the requirements of subsection 3 of this section and paying a delinquent fee as established by the board by rule.

Seller license required--application procedure--renewal of licensure--expiration of license.

333.320. 1. No person shall sell, perform, or agree to perform the seller's obligations under, or be designated as the seller of, any preneed contract unless, at the time of the sale, performance, agreement, or designation, such person is licensed by the board as a seller and authorized and registered with the Missouri secretary of state to conduct business in Missouri.

2. An applicant for a preneed seller license shall:

(1) File an application on a form established by the board and pay an application fee in an amount established by the board by rule;

(2) Be an individual resident of Missouri who is eighteen years of age or older, or a business entity registered with the Missouri secretary of state to transact business in Missouri;

(3) If the applicant is a corporation, each officer, director, manager, or controlling shareholder, shall be eligible for licensure if they were applying for licensure as an individual;

(4) Meet all requirements for licensure;

(5) Identify the name and address of a custodian of records responsible for maintaining the books and records of the seller relating to preneed contracts;

(6) Identify the name and address of each licensed provider that has authorized the seller to designate such person as a provider under a preneed contract;

(7) Have established, as grantor, a preneed trust or an agreement to utilize a preneed trust with terms consistent with sections 436.400 to 436.520. A trust shall not be required if the applicant certifies to the board that the seller will only sell insurance-funded or joint account-funded preneed contracts;

(8) Identify the name and address of a trustee or, if applicable, the financial institution where any preneed trust or joint accounts will be maintained; and

(9) File with the board a written consent authorizing the state board to inspect or order an investigation, examination, or audit of the seller's books and records which contain information concerning preneed contracts sold by or on behalf of the seller.

3. Each seller shall apply to renew his or her license on or before **[October thirty-first of each year or]** a date established by the division of professional registration pursuant to section 324.001. A license which has not been renewed prior to the renewal date shall expire. Applicants for renewal shall:

(1) File an application for renewal on a form established by the board **[by rule]**;

(2) Pay a renewal fee in an amount established by the board by rule; and

(3) File annually with the board a signed and notarized annual report as required by section 436.460.

4. Any license which has not been renewed as provided by this section shall expire. A licensee who fails to apply for renewal **[within two years of the renewal date]** may apply for reinstatement **within two years of the renewal date** by satisfying the requirements of subsection 3 of this section and paying a delinquent fee as established by the board by rule.

Seller license required--application procedure--renewal of licensure--expiration of license.

333.320. 1. No person shall sell, perform, or agree to perform the seller's obligations under, or be designated as the seller of, any preneed contract unless, at the time of the sale, performance, agreement, or designation, such person is licensed by the board as a seller and authorized and registered with the Missouri secretary of state to conduct business in Missouri.

2. An applicant for a preneed seller license shall:

(1) File an application on a form established by the board and pay an application fee in an amount established by the board by rule;

(2) Be an individual resident of Missouri who is eighteen years of age or older, or a business entity registered with the Missouri secretary of state to transact business in Missouri;

(3) If the applicant is a corporation, each officer, director, manager, or controlling shareholder, shall be eligible for licensure if they were applying for licensure as an individual;

(4) Meet all requirements for licensure;

(5) Identify the name and address of a custodian of records responsible for maintaining the books and records of the seller relating to preneed contracts;

(6) Identify the name and address of each licensed provider that has authorized the seller to designate such person as a provider under a preneed contract;

(7) Have established, as grantor, a preneed trust or an agreement to utilize a preneed trust with terms consistent with sections 436.400 to 436.520. A trust shall not be required if the applicant certifies to the board that the seller will only sell insurance-funded or joint account-funded preneed contracts;

(8) Identify the name and address of a trustee or, if applicable, the financial institution where any preneed trust or joint accounts will be maintained; and

(9) File with the board a written consent authorizing the state board to inspect or order an investigation, examination, or audit of the seller's books and records which contain information concerning preneed contracts sold by or on behalf of the seller.

3. Each seller shall apply to renew his or her license on or before **[October thirty-first of each year or]** a date established by the division of professional registration pursuant to section 324.001. A license which has not been renewed prior to the renewal date shall expire. Applicants for renewal shall:

(1) File an application for renewal on a form established by the board **[by rule]**;

(2) Pay a renewal fee in an amount established by the board by rule; and

(3) File annually with the board a signed and notarized annual report as required by section 436.460.

4. Any license which has not been renewed as provided by this section shall expire. A licensee who fails to apply for renewal **[within two years of the renewal date]** may apply for reinstatement **within two years of the renewal date** by satisfying the requirements of subsection 3 of this section and paying a delinquent fee as established by the board by rule.

[Registration] License as a preneed agent required--application procedure--renewal [of registration]--expiration [of registration].

333.325. 1. No person shall sell, negotiate, or solicit the sale of preneed contracts for, or on behalf of, a seller unless **[registered] licensed** with the board as a preneed agent except for individuals who are licensed as funeral directors under this chapter. The board shall maintain a registry of all preneed agents **[registered] licensed** with the board. The registry shall be deemed an open record and made available on the board's web site.

2. An applicant for a preneed agent **[registration] license** shall be an individual who shall:

(1) File an application on a form established by the board and pay an application fee in an amount established by the board by rule which shall not exceed fifty percent of the application fee established by the board under this chapter for a funeral director license;

(2) Be eighteen years of age or older; **and possess a high school diploma, a general education equivalency diploma, or equivalent thereof, as determined, at its discretion, by the board;**

(3) Be otherwise eligible for **[registration] licensure** under section 333.330;

(4) Have successfully passed the Missouri law examination as designated by the board [;

(5) Provide the name and address of each seller for whom the applicant is authorized to sell, negotiate, or solicit the sale of preneed contracts for, or on behalf of].

3. Each preneed agent shall apply to renew his or her **[registration] license** on or before **[October thirty-first of each year or]** a date established by the division of professional registration pursuant to section 324.001. A **[registration] licensee** which has not been renewed prior to the renewal date shall expire. Applicants for renewal shall:

(1) File an application for renewal on a form established by the board **[by rule];**

(2) Pay a renewal fee in an amount established by the board by rule which shall not exceed fifty percent of the application fee established by the board under this chapter for a funeral director license renewal; and

(3) Provide the name and address of each seller for whom the preneed agent is authorized to sell, negotiate, or solicit the sale of preneed contracts for or on behalf of.

4. Any funeral director **licensed in this state desiring to act[ing]** as a preneed agent shall **[be required to report the name and address of each preneed seller for whom the funeral director is authorized to sell, negotiate, or solicit the sale of preneed contracts as part of their biennial renewal form. Each funeral director preneed agent shall be included on the board's registry.] file an application to the board on forms furnished by the board.**

5. If an applicant does not meet the requirements for licensure within one year from the date of application, the applicant shall be required to file a new application and no fees paid previously shall apply toward the license fee.

6. Each preneed agent funeral director shall apply to renew his or her license on or before a date established by the division of professional registration pursuant to section 324.001. A license which has not been renewed prior to the renewal date shall expire. Applicants for renewal shall:

(1) File an application for renewal on a form established by the board;

(2) Provide the name and address of each seller for whom the preneed agent is authorized to sell, negotiate, or solicit the sale of preneed contracts for or on behalf of.

7. A preneed agent shall be required to keep the board apprised of the name and address of each preneed seller for whom the preneed agent is authorized to sell, negotiate, or solicit the sale of preneed contracts.

[5] 8. Any [registration] license which has not been renewed as provided by this section shall expire and the [registrant] licensee shall be immediately removed from the preneed agent registry by the board. A [registrant] licensee who fails to apply for renewal may apply for reinstatement within two years of the renewal date by satisfying the requirements of [subsection 3 of] this section and paying [a] delinquent fees as established by the board.

[Registration] License as a preneed agent required--application procedure--renewal of [registration] license--expiration of [registration] license.

333.325. 1. No person shall sell, negotiate, or solicit the sale of preneed contracts for, or on behalf of, a seller unless **[registered] licensed** with the board as a preneed agent except for individuals who are licensed as funeral directors under this chapter. The board shall maintain a registry of all preneed agents **[registered] licensed** with the board. The registry shall be deemed an open record and made available on the board's website.

2. An applicant for a preneed agent **[registration] license** shall be an individual who shall:

(1) File an application on a form established by the board and pay an application fee in an amount established by the board by rule which shall not exceed fifty percent of the application fee established by the board under this chapter for a funeral director license;

(2) Be eighteen years of age or older;

(3) Be otherwise eligible for **[registration] licensure** under section [333.330](#);

(4) Have successfully passed the Missouri law examination as designated by the board;

(5) Provide the name and address of each seller for whom the applicant is authorized to sell, negotiate, or solicit the sale of preneed contracts for, or on behalf of.

3. Each preneed agent shall apply to renew his or her **[registration] license** on or before October thirty-first of each year or a date established by the division of professional registration pursuant to section [324.001](#). A **[registration] license** which has not been renewed prior to the renewal date shall expire. Applicants for renewal shall:

(1) File an application for renewal on a form established by the board by rule;

(2) Pay a renewal fee in an amount established by the board by rule which shall not exceed fifty percent of the application fee established by the board under this chapter for a funeral director license renewal; and

(3) Provide the name and address of each seller for whom the preneed agent is authorized to sell, negotiate, or solicit the sale of preneed contracts for or on behalf of.

4. Any funeral director acting as a preneed agent shall be required to report the name and address of each preneed seller for whom the funeral director is authorized to sell, negotiate, or solicit the sale of preneed contracts as part of their biennial renewal form. Each funeral director preneed agent shall be included on the board's registry.

5. Any **[registration] license** which has not been renewed as provided by this section shall expire and the **[registrant] licensee** shall be immediately removed from the preneed agent registry by the board. A **[registrant] licensee** who fails to apply for renewal may apply for reinstatement within two years of the renewal date by satisfying the requirements of subsection 3 of this section and paying a delinquent fee as established by the board.

(L. 2009 S.B. 1)

Refusal of registration, when--complaint procedure--injunctive relief authorized, when--reapplication after revocation, when.

333.330. 1. The board may refuse to issue any certificate of registration or authority, permit, or license required under this chapter for one or any combination of causes stated in subsection 2 of this section. The board shall notify the applicant in writing of the reasons for the refusal and shall advise the applicant of his or her right to file a complaint with the administrative hearing commission as provided by chapter 621.

2. The board may cause a complaint to be filed with the administrative hearing commission as provided by chapter 621 against any holder of any certificate of registration or authority, permit, or license required by this chapter, or any person who has failed to renew or has surrendered his or her certificate of registration or authority, permit, or license for any one or any combination of the following causes:

(1) Use of any controlled substance, as defined in chapter 195, or alcoholic beverage to an extent that such use impairs a person's ability to perform the work of any profession licensed or regulated by this chapter;

(2) The person has been finally adjudicated and found guilty, or entered a plea of guilty or nolo contendere, in a criminal prosecution under the laws of any state or of the United States, for any offense reasonably related to the qualifications, functions, or duties of any profession licensed or regulated under this chapter, for any offense involving a controlled substance, or for any offense an essential element of which is fraud, dishonesty, or an act of violence;

(3) Use of fraud, deception, misrepresentation, or bribery in securing any certificate of registration or authority, permit, or license issued under this chapter or in obtaining permission to take any examination given or required under this chapter;

(4) Obtaining or attempting to obtain any fee, charge, tuition, or other compensation by fraud, deception, or misrepresentation;

(5) Incompetency, misconduct, gross negligence, fraud, misrepresentation, or dishonesty in the performance of the functions or duties of any profession licensed or regulated by this chapter;

(6) Violation of, or assisting or enabling any person to violate, any provision of this chapter, or of any lawful rule or regulation adopted pursuant thereto;

(7) Impersonation of any person holding a certificate of registration or authority, permit, or license or allowing any person to use his or her certificate of registration or authority, permit, license, or diploma from any school;

(8) Disciplinary action against the holder of a license or other right to practice any profession [regulated by this chapter] granted by this or another state, territory, federal agency, or country {upon grounds for which revocation or suspension is authorized in this state or};

- (9) A person is finally adjudged mentally incompetent by a court of competent jurisdiction;
- (10) Misappropriation or theft of preneed funds;
- (11) Assisting or enabling any person to practice or offer to practice any profession licensed or regulated by this chapter regulating preneed who is not licensed or registered and currently eligible to practice thereunder;
- (12) Issuance of a certificate of registration or authority, permit, or license based upon a material mistake of fact;
- (13) Failure to display a valid certificate or license if so required by this chapter regulating preneed or any rule established thereunder;
- (14) Violation of any professional trust or confidence;
- (15) Making or filing any report required by sections 436.400 to 436.520 regulating preneed which the licensee knows to be false or knowingly failing to make or file a report required by such sections;
- (16) Use of any advertisement or solicitation which is false, misleading, or deceptive to the general public or persons to whom the advertisement or solicitation is primarily directed; or
- (17) Willfully and through undue influence selling a funeral;
- (18) Willfully and through undue influence selling a preneed contract;
- (19) Violation of any of the provisions of chapter 193, 194, 407, or 436;
- (20) Presigning a death certificate or signing a death certificate on a body not yet embalmed by, or under the personal supervision of, the licensee;
- (21) Failure to execute and sign the death certificate on a body embalmed by, or under the personal supervision of, a licensee;
- (22) Failure to refuse to properly guard against contagious, infectious, or communicable diseases or the spread thereof;
- (23) Refusing to surrender a dead human body upon request by the next of kin, legal representative, or other person entitled to the custody and control of the body.

3. After the filing of such complaint, the proceedings shall be conducted in accordance with the provisions of chapter 621. Upon a finding by the administrative hearing commission that the grounds, provided in subsection 2 of this section, for disciplinary action are met, the board may, singly or in combination, censure or place the person named in the complaint on probation on such terms and

conditions as the board deems appropriate for a period not to exceed five years, or may suspend, for a period not to exceed three years, or revoke any certificate of registration or authority, permit, or license issued under this chapter.

4. In addition to all other powers and authority granted by the board, the board may seek an injunction, restraining order or other order from the circuit court of Cole County to enjoin any seller from engaging in preneed sales upon a showing by the board that the seller has failed to make deposits into the preneed trust, has obtained funds out of the trust to which the seller is not entitled or has exercised influence or control over the trustee or has engaged in any other act that has resulted in a shortage in any preneed trust or joint account which exceeds twenty percent of the total amount required to be held or deposited into the trust or joint account under the provisions of sections 436.400 to 436.520. In addition to the power to enjoin for this conduct, the circuit court of Cole County shall also be entitled to suspend or revoke the preneed seller's license and any other license issued pursuant to this chapter, held by the seller.

5. An individual whose certificate of registration or authority, permit, or license has been revoked shall wait three years from the date of revocation to apply for any certificate of registration or authority, permit, or license under this chapter, either as an individual or as a manager, director, shareholder, or partner of any business entity. Any certificate of registration or authority, permit, or license shall be issued at the discretion of the board after compliance with all the requirements of this chapter relative to the licensing or registration of the applicant for the first time.

6. Use of the procedures set out in this section shall not preclude the application of the provisions of subsection 2 of section 333.335.

7. In addition to all other powers and authorities granted to the board, if the board determines that a seller has failed to deposit payments required to be deposited into either a preneed joint account or a preneed trust or has withdrawn funds from a preneed joint account or a preneed trust to which the seller was not entitled, the seller and the board may enter into a repayment settlement agreement which allows the seller to correct the deficiency or the board may require a repayment plan as a condition of any discipline imposed by agreement or order. Any correction of the deficiency shall require that the deficiency be paid in full by a specified term to be not more than 5 years from the effective date of the settlement agreement or order and shall specify periodic payments to be made by the seller with a minimum of the total payments per year to be at least 20 percent of the total deficiency. Any such agreement may be made in conjunction with any discipline or court proceeding or it may be made without the imposition of any discipline or any court proceeding. Failure to comply with the terms and conditions of any such repayment settlement agreement shall be cause for discipline.

Contract form, requirements--voidability of contract--waiver of contract benefits for public assistance recipients.

436.425. 1. All preneed contracts shall be sequentially numbered and in writing and in a font type and size that are easily read, and shall clearly and conspicuously:

- (1) Include the name, address and phone number of the purchaser, beneficiary, provider and seller;
- (2) Identify the name, address, phone and license number of the provider and the seller;
- (3) Set out in detail the disposition, funeral and burial services and facilities, and merchandise requested;
- (4) Identify whether the contract is trust funded, insurance funded, or joint account funded;
- (5) Include notice that the cancellation of the contract shall not cancel any life insurance funding the contract, and that insurance cancellation is required to be made in writing to the insurer;
- (6) Include notice that the purchaser will only receive the cash surrender value of any insurance policy funding the contract if cancelled after a designated time, which may be less than the amount paid into the policy;
- (7) Include notice that the board provides by rule that the purchaser has the right to transfer the provider designation to another provider;
- (8) Prominently identify whether the contract is revocable or irrevocable;
- (9) Set forth the terms for cancellation by the purchaser or by the seller;
- (10) Identify any preneed trust or joint account into which contract payments shall be deposited, including the name and address of the corresponding trustee or financial institution;
- (11) Include the name, address and phone number of any insurance company issuing an insurance policy used to fund the preneed contract;
- (12) Include the name and signature of the purchaser, the provider or its authorized representative, the preneed agent's name and license number responsible for the sale of the contract, and the seller or its authorized representative;
- (13) Prominently identify whether the contract is a guaranteed or nonguaranteed contract;
- (14) Include any applicable consumer disclosures required by the board by rule; and
- (15) Include a disclosure on all guaranteed installment payment contracts informing the purchaser what will take place in the event the beneficiary dies before all installments have been paid, including an explanation of what will be owed by the purchaser for the funeral services in such an event;

(16) Comply with the provisions of sections 436.400 to 436.520 or any rule promulgated thereunder.

2. A preneed contract shall be voidable and unenforceable at the option of the purchaser, or the purchaser's legal representative, if it is determined in a court of competent jurisdiction that the contract is not in compliance with this section or not issued by a seller licensed under chapter 333, or if the provider has not consented to serve as provider at the time the contract was executed. Upon exercising the option by written notice to the seller and provider, all payments made under such contract shall be recoverable by the purchaser, or the purchaser's legal representative, from the contract seller, trustee, or other payee thereof.

3. A beneficiary who seeks to become eligible to receive public assistance under chapter 208 or any other applicable state or federal law may irrevocably waive their rights to receive any refund or payment of any moneys from the funds or insurance used to fund their preneed contract. Such irrevocable waiver may be executed at any time and shall be in writing, signed and dated by the beneficiary and shall be delivered to the seller and any applicable trustee, financial institution or insurance company.

4. All purchasers shall have the right as provided in this chapter to cancel or rescind a revocable preneed contract and transfer any preneed contract with or without cause.

5. A preneed contract, shall not be changed from a trust-funded, insurance-funded, or joint account-funded preneed contract without the written consent of the purchaser.

Trust-funded preneed contract requirements.

436.430. 1. A trust-funded guaranteed preneed contract shall comply with sections 436.400 to 436.520 and the specific requirements of this section.

2. A seller must deposit all payments received on a preneed contract into the designated preneed trust within sixty days of receipt of the funds by the seller, the preneed sales agent or designee. A seller may not require the consumer to pay any fees or other charges except as authorized by the provisions of chapter 333, RSMo, and this chapter or other state or federal law.

3. A seller may request the trustee to distribute to the seller an amount up to the first five percent of the total amount of any preneed contract as an origination fee. The seller may make this request at any time after five percent of the total amount of the preneed contract has been deposited into the trust. The trustee shall make this distribution to the seller within fifteen days of the receipt of the request.

4. In addition to the origination fee, the trustee may distribute to the seller an amount up to ten percent of the face value of the contract on a preneed contract at any time after the consumer payment has been deposited into the trust. The seller may make written request for this distribution and the trustee shall make this distribution to the seller within fifteen days of the receipt of the request or as may be provided in any written agreement between the seller and the trustee.

5. The trustee of a preneed trust shall be a state- or federally-chartered financial institution authorized to exercise trust powers in Missouri. The trustee shall accept all deposits made to it for a preneed contract and shall hold, administer, and distribute such deposits, in trust, as trust principal, under sections 436.400 to 436.520.

6. The financial institution referenced herein may neither control, be controlled by, nor be under common control with the seller or preneed agent. The terms "control", "controlled by" and "under common control with" means the direct or indirect possession of the power to direct or cause the direction of the management and policies of a person, whether through the ownership of voting securities, by contract other than a commercial contract for goods or nonmanagement services, or otherwise, unless the power is the result of an official position with or corporate office held by the person. Control shall be presumed to exist if any person, directly or indirectly, owns, controls, holds with the power to vote, or holds proxies representing ten percent or more of the voting securities. This presumption may be rebutted by a showing to the board that control does not in fact exist.

7. Payments regarding two or more preneed contracts may be deposited into and commingled in the same preneed trust, so long as the trustee maintains adequate records that individually and separately identify the payments, earnings, and distributions for each preneed contract.

8. Within a reasonable time after accepting a trusteeship or receiving trust assets, a trustee shall review the trust assets and make and implement decisions concerning the retention and disposition of assets in order to bring the trust portfolio into compliance with the purposes, terms, distribution requirements, other circumstances of the trust, and all other requirements of sections 436.400 to 436.520.

9. All expenses of establishing and administering a preneed trust, including trustee's fees, legal and accounting fees, investment expenses, and taxes may be paid from income generated from the investment of the trust assets. Principal of the trust shall not be used to pay the costs of administration. If the income of the trust is insufficient to pay the costs of administration, those costs shall be paid as per the written agreements between the seller, provider and the trustee.

10. The seller and provider of a trust-funded guaranteed preneed contract shall be entitled to all income, including, but not limited to, interest, dividends, capital gains, and losses generated by the investment of preneed trust property regarding such contract as stipulated in the contract between the seller and provider **upon performance of the contract**. Income of the trust, excluding expenses allowed under this subsection, shall accrue through the life of the trust, except in instances when a contract is cancelled. The trustee of the trust may distribute market value of all income, net of losses, to the seller upon, but not before, the final disposition of the beneficiary and provision of the funeral and burial services and facilities, and merchandise to, or for, the benefit of the beneficiary. This subsection shall apply to trusts established on or after August 28, 2009.

11. Providers shall request payment by submitting a certificate of performance to the seller certifying that the provider has rendered services under the contract or as requested. The certificate shall be signed by both the provider and the person authorized to make arrangements on behalf of the beneficiary. If there is no written contract between the seller and provider, the provider shall be entitled to the market value of all trust* assets allocable to the preneed contract. Sellers shall remit payment to the provider within sixty days of receiving the certificate of performance.

12. If a seller fails to make timely payment of an amount due a provider under sections 436.400 to 436.520, the provider shall have the right, in addition to other rights and remedies against such seller, to make demand upon the trustee of the preneed trust for the contract to distribute to the provider from the trust all amounts to which the seller would be entitled to receive for the preneed contract.

13. The trustee of a preneed trust, including trusts established before August 28, 2009, shall maintain adequate books and records of all transactions administered over the life of the trust and pertaining to the trust generally. The trustee shall assist the seller who established the trust or its successor in interest in the preparation of the annual report described in section 436.460. The seller shall furnish to each contract purchaser, within thirty days after receipt of the purchaser's written request, a written statement of all deposits made to such trust regarding such purchaser's contract including the principal and interest paid to date.

14. A preneed trust, including trusts established before August 28, 2009, shall terminate when the trust principal no longer includes any payments made under any preneed contract, and upon such termination the trustee shall distribute all trust property, including principal and undistributed income, to the seller which established the trust.

Compliance of contracts entered into prior to effective date--investment of trust property and assets--loans against assets prohibited.

436.435. 1. To the extent that any provisions in this chapter which come into effect on August 28, 2009, apply to trusts governed under this chapter which are in existence on August 28, 2009, such trusts shall be in compliance with this chapter no later than July 1, 2010.

2. All property held in a preneed trust, including principal and undistributed income, shall be invested and reinvested by the trustee thereof and shall only be invested and reinvested in investments which have reasonable potential for growth or producing income. Funds in, or belonging to, a preneed trust shall not be invested in any term life insurance product.

3. A trustee shall invest and manage trust assets as a prudent investor would, by considering the purposes, terms, distribution requirements, and other circumstances of the trust. In satisfying this standard, the trustee shall exercise reasonable care, skill, and caution. A trustee who has special skills or expertise, or is named trustee in reliance upon the trustee's representation that the trustee has special skills or expertise, has a duty to use those special skills or expertise when investing and managing trust assets.

4. A trustee shall diversify the investments of the trust unless the trustee reasonably determines that, because of special circumstances, the purpose of the trust is better served without diversification.

5. In investing and managing trust assets, a trustee shall consider the following as are relevant to the trust:

- (1) General economic conditions;
- (2) The possible effect of inflation or deflation;
- (3) The expected tax consequences of investment decisions or strategies;
- (4) The role that each investment or course of action plays within the overall trust portfolio;
- (5) The expected total return from income and the appreciation of capital;
- (6) Needs for liquidity, regularity of income, and preservation or appreciation of capital.

6. No seller, provider, or preneed agent shall procure or accept a loan against any investment or asset of or belonging to a preneed trust. As of **[August 29, 2009] August 28, 2009**, no preneed seller, provider, or agent shall use any existing preneed contract as collateral or security pledged for a loan or take preneed funds of any existing preneed contract as a loan or for any purpose other than as authorized by this chapter.

Provisions applicable to all preneed trusts.

436.440. 1. The provisions of this section shall apply to all preneed trusts, including trusts established before August 28, 2009.

2. A preneed trustee may delegate to an agent duties and powers that a prudent trustee of comparable skills would reasonably delegate under the circumstances. **All such delegations shall be made pursuant to a written agreement that discloses the scope of duties and powers delegated, all compensation to be paid to the agent, and any relationships or contracts between the agent and the seller.** The trustee shall exercise reasonable care, skill, and caution in:

(1) Selecting an agent;

(2) Establishing the scope and terms of the agency, consistent with the purposes and terms of the trust; **[and]**

(3) Periodically reviewing the agent's actions in order to monitor the agent's performance and compliance with the terms of the agency; **and**

(4) Disclosing the agency agreement to the seller and the trust's beneficiaries, upon request.

3. In performing a delegated function, an agent owes **[a] dut[y]ies** to the trust **of loyalty to all trust beneficiaries** and to exercise reasonable care to comply with the terms of the agency **agreement. Beneficiaries of a preneed trust include the contract seller, the provider fulfilling the preneed contract, the purchaser and the contract beneficiary.**

4. By accepting a delegation of powers or duties from the trustee of a preneed trust, an agent submits to the jurisdiction of the courts of this state **and to the board over trusts established pursuant to this chapter.**

5. Delegation of duties and powers to an agent shall not relieve the trustee of any duty or responsibility imposed on the trustee by sections 436.400 to 436.520 or the trust agreement.

6. For trusts in existence as of August 28, 2009, it shall be permissible for those trusts to continue to utilize the services of an independent financial advisor, if said advisor was in place pursuant to section 436.031 as of August 28, 2009, **and such delegation otherwise complies with this section.**

Seller report to board required, contents--fee--filing of reports.

436.460. 1. Each seller shall file an annual report with the board which shall contain the following information:

(1) The contract number of each preneed* contract sold since the filing of the last report with an indication of, and whether it is funded by a trust, insurance or joint account;

(2) The total number and total face value of preneed contracts sold since the filing of the last report;

(3) The contract amount of each preneed contract sold since the filing of the last report, identified by contract;

(4) The name, address, and license number of all preneed agents authorized to sell preneed contracts on behalf of the seller;

(5) The date the report is submitted and the date of the last report;

(6) The list including the name, address, contract number and whether it is funded by a trust, insurance or joint account of all Missouri preneed contracts fulfilled, cancelled or transferred by the seller during the preceding calendar year;

(7) The name and address of each provider with whom it is under contract;

(8) The name and address of the person designated by the seller as custodian of the seller's books and records relating to the sale of preneed contracts;

(9) Written consent authorizing the board to order an investigation, examination and, if necessary, an audit of any joint or trust account established under sections [436.400](#) to [436.520](#), designated by depository or account number;

(10) Written consent authorizing the board to order an investigation, examination and if necessary an audit of its books and records relating to the sale of preneed contracts; and

(11) Certification under oath that the report is complete and correct attested to by an officer of the seller. The seller or officer shall be subject to the penalty of making a false affidavit or declaration.

2. A seller that sells or has sold trust-funded preneed contracts shall also include in the annual report required by subsection 1** of this section:

(1) The name and address of **[the] each** financial institution in which it maintains a preneed trust account and the account numbers of such trust accounts;

(2) The trust **fund's aggregate purchaser payment contribution** balance as reported in the previous year's report;

(3) The current **[face] fair market** value of the trust fund **assets**;

(4) **[Principal] Purchaser payment** contributions received by the trustee since the previous report;

(5) Total trust earnings and total distributions to the seller since the previous report;

(6) Authorization of the board to request from the trustee a copy of any trust statement, as part of an investigation, examination or audit of the preneed seller;

(7) [Total] **A summary of expenses report**[, excluding distributions to the seller,] **that shall include the total of all expenses paid by the trustee to establish and/or administer the preneed trust, including and detailing by category, trustee fees, legal fees, accounting fees, investment expenses, taxes and any other expenses paid by the trustee** since the previous report; and

(8) Certification under oath that the information required by subdivisions (1) to (7) of this subsection is complete and correct and attested to by a corporate officer of the trustee. The trustee shall be subject to the penalty of making a false affidavit or declaration.

3. A seller that sells or who has sold joint account-funded preneed contracts shall also include in the annual report required by subsection 1 of this section:

(1) The name and address of the financial institution in Missouri in which it maintains the joint account and the account numbers for each joint account;

(2) The amount on deposit in each joint account;

(3) The joint account balance as reported in the previous year's report;

(4) Principal contributions placed into each joint account since the filing of the previous report;

(5) Total earnings since the previous report;

(6) Total distributions to the seller from each joint account since the previous report;

(7) Total expenses deducted from the joint account, excluding distributions to the seller, since the previous report; and

(8) Certification under oath that the information required by subdivisions (1) to (7) of this subsection is complete and correct and attested to by an authorized representative of the financial institution. The affiant shall be subject to the penalty of making a false affidavit or declaration.

4. A seller that sells or who has sold any insurance-funded preneed contracts shall also include in the annual report required by subsection 1 of this section:

(1) The name and address of each insurance company issuing insurance to fund a preneed contract sold by the seller during the preceding year;

(2) The status and total face value of each policy;

(3) The amount of funds the seller directly received on each contract and the date the amount was forwarded to any insurance company; and

(4) Certification under oath that the information required by subsections 1 to 3 of this section is complete and correct attested to by an authorized representative of the insurer. The affiant shall be subject to the penalty of making a false affidavit or declaration.

5. Each seller shall remit an annual reporting fee in an amount established by the board by rule for each preneed contract sold in the year since the date the seller filed its last annual report with the board. This reporting fee shall be paid annually and may be collected from the purchaser of the preneed contract as an additional charge or remitted to the board from the funds of the seller. The reporting fee shall be in addition to any other fees authorized under sections [436.400](#) to [436.520](#).

6. All reports required by this section shall be filed by the thirty-first day of October of each year or by the date established by the board by rule. Annual reports filed after the date provided herein shall be subject to a late fee in an amount established by rule of the board.

7. If a seller fails to file the annual report on or before its due date, his or her preneed seller license shall automatically be suspended until such time as the annual report is filed and all applicable fees have been paid.

8. This section shall apply to contracts entered into before August 28, 2009.

(L. 2009 S.B. 1)

*Word "preened" appears in original rolls.

**Words "section 1" appear in original rolls.

Complaint procedure--violation, attorney general may file court action.

436.470. 1. Any person may file a complaint with the board to notify the board of an alleged violation of this chapter. The board shall investigate each such complaint.

2. The board shall have authority to conduct inspections and investigations of providers, sellers, and preneed agents and conduct financial examinations of the books and records of providers, sellers, and preneed agents and any trust or joint account to determine compliance with sections [436.400](#) to [436.520](#), or to determine whether grounds exist for disciplining a person licensed or registered under sections [333.310](#) to [333.340](#), at the discretion of the board and with or without cause. The board shall conduct a financial examination of the books and records of each seller as authorized by this section at least once every five years, subject to available funding.

[3. Upon determining that an inspection, investigation, examination, or audit shall be conducted, the board shall issue a notice authorizing an employee or other person appointed by the board to perform such inspection, investigation, examination, or audit. The notice shall instruct the person appointed by the board as to the scope of the inspection, investigation, examination or audit.]

4. The board shall not appoint or authorize any person to conduct an inspection, investigation, examination, or audit under this section if the individual has a conflict of interest or is affiliated with the management of, or owns a pecuniary interest in, any person subject to inspection, investigation, examination, or audit under chapter 333 or sections [436.400](#) to [436.520](#).

5. The board may request that the director of the division of professional registration, the director of the department of insurance, financial institutions and professional registration, or the office of the attorney general designate one or more investigators or financial examiners to assist in any investigation, examination, or audit, and such assistance shall not be unreasonably withheld.

6. The person conducting the inspection, investigation, or audit may enter the office, premises, establishment, or place of business of any seller or licensed provider of preneed contracts, or any office, premises, establishment, or place where the practice of selling or providing preneed funerals is conducted, or where such practice is advertised as being conducted for the purpose of conducting the inspection, investigation, examination, or audit.

7. Upon request by the board, a licensee or registrant shall make the books and records of the licensee or registrant available to the board for inspection and copying at any reasonable time, including, any insurance, trust, joint account, or financial institution records deemed necessary by the board to determine compliance with sections [436.400](#) to [436.520](#).

8. The board shall have the power to issue subpoenas to compel the production of records and papers by any licensee, trustee or registrant of the board. Subpoenas issued under this section shall be served in the same manner as subpoenas in a criminal case.

9. All sellers, providers, preneed agents, and trustees shall cooperate with the board or its designee, the division of finance, the department of insurance, financial institutions and professional registration, and the office of the attorney general in any inspection, investigation, examination, or audit brought under this section.

10. This section shall not be construed to limit the board's authority to file a complaint with the administrative hearing commission charging a licensee or registrant with any actionable conduct or violation, regardless of whether such complaint exceeds the scope of acts charged in a preliminary public complaint filed with the board and whether any public complaint has been filed with the board.

11. The board, the division of finance, the department of insurance, financial institutions and professional registration, and the office of the attorney general may share information relating to any preneed inspection, investigation, examination, or audit.

12. If an inspection, investigation, examination, or audit reveals a violation of sections [436.400](#) to [436.520](#), the office of the attorney general may initiate a judicial proceeding to:

- (1) Declare rights;
 - (2) Approve a nonjudicial settlement;
 - (3) Interpret or construe the terms of the trust;
 - (4) Determine the validity of a trust or of any of its terms;
 - (5) Compel a trustee to report or account;
 - (6) Enjoin a seller, provider, or preneed agent from performing a particular act;
 - (7) Enjoin a trustee from performing a particular act or grant to a trustee any necessary or desirable power;
 - (8) Review the actions of a trustee, including the exercise of a discretionary power;
 - (9) Appoint or remove a trustee;
 - (10) Determine trustee liability and grant any available remedy for a breach of trust;
 - (11) Approve employment and compensation of preneed agents;
 - (12) Determine the propriety of investments;
 - (13) Determine the timing and quantity of distributions and dispositions of assets; or
 - (14) Utilize any other power or authority vested in the attorney general by law.
- (L. 2009 S.B. 1)

Sale of business assets of provider--report to board required, contents.

436.490. 1. A provider that intends to sell or otherwise dispose of all or a majority of its business assets, or its stock if a corporation, shall notify the board at least sixty days prior to selling or otherwise disposing of its business assets or stock, or ceasing to do business as a provider, and shall file a notification report on a form established by the board.

2. The report required by this section shall include:

(1) The name, phone number, and address of the purchasers of any outstanding preneed contract for which the licensee is the designated provider;

(2) The name and license numbers of all sellers authorized to designate the licensee as a provider in a preneed contract;

(3) The name, address, and license number of the provider assuming or agreeing to assume the licensee's obligations as a provider under a preneed contract, if any;

(4) The name, address, and phone number of a custodian who will maintain the books and records of the provider containing information about preneed contracts in which the licensee is or was formerly designated as provider;

(5) **[A final annual report containing the information required by section [436.460](#);**

(6)] The date the provider intends to sell or otherwise dispose of its business assets or stock, or cease doing business; and (7) Any other information required by any other applicable statute or regulation enacted pursuant to state or federal law.

3. Within three days after the provider sells or disposes of its assets or stock or ceases doing business, the former provider shall notify each seller in writing that the former provider has sold or disposed of its assets or stock or has ceased doing business.

(L. 2009 S.B. 1)

Sale of business assets by seller, report to board required, contents.

436.500. 1. A seller that intends to sell or otherwise dispose of all or a majority of its business assets or its stock shall notify the board at least sixty days prior to selling or otherwise disposing of its assets or stock, or ceasing to do business as a seller, and shall file a notification report on a form established by the board.

2. The report required by this section for a seller **who is transferring all or a portion of its preneed contracts to another seller** shall include:

(1) A notarized and signed statement from the [person] **seller** assuming or agreeing to assume the obligations of the seller indicating that the assuming seller has been provided with a copy of the seller's final annual report and has consented to assuming the outstanding obligations of the seller;

[(2) In lieu of at the notarized statement required by subdivision (1) of this subsection, the seller may file a plan detailing how the assets of the seller will be set aside and used to service all outstanding preneed contracts sold by the seller; and]

(2) A final annual report that provides all the information that would be required in the annual report, if the seller was renewing

(3) The date the seller anticipates ceasing business;

(4) The name and license number of the seller assuming the ceasing seller's obligations;

(5) A signed statement from the seller that the seller has transferred all funds and/or interests in any insurance policy to the assuming seller for that seller to hold in trust, joint account or insurance to provide funding for each preneed contract assumed by the assuming seller; and

(3) Any other information required by any other applicable statute or regulation enacted pursuant to state or federal law.

3. Within thirty days after assuming the obligations of a seller under this section, the assuming seller shall:

(1) Notify each provider in writing that the former seller has sold or disposed of its assets or stock or has ceased doing business; **[and]**

(2) Provide written notification to the purchasers of each preneed contract assumed by the seller indicating that the former seller has transferred **[ownership of has ceased doing business] its preneed contracts to the new seller and advise the purchasers of the name of the financial institution where the preneed trust funds or joint account funds will be held, if different from that institution listed in the preneed contract with the purchaser; and**

(3) Provide written notice to the board on a form provided by the board that these notifications have been completed and any accompanying information the board may request on its form to confirm the assuming seller has fulfilled this obligation.

4. Nothing in this section shall be construed to require the board to audit, inspect, investigate, examine, or edit the books and records of a seller subject to the provisions of this section nor shall this section be construed to amend, rescind, or supersede any duty imposed on, or due diligence required of, an entity assuming the obligations of the seller.

5. The office of the attorney general shall have the authority to initiate legal action to compel or otherwise ensure compliance with this section [by a former provider licensee].

6. The ceasing seller shall provide the board with written notice of the date it actually ceases business and include a statement that it has discharged its duties with regard to the cease of business.

7. If a seller ceases business and no new seller assumes the outstanding preneed contracts, then the seller shall notify the board at least 60 days prior to ceasing business of its intention to cease business and to transfer all or some of its preneed contracts and funds to a new seller.

(1) A seller ceasing business under this section shall within 30 days before ceasing business, shall:

A. Provide written notice to each purchaser advising them of the seller ceasing business and advise the purchaser of the need to make arrangements with a new seller or to make request to cancel the contract and receive a refund per this section.

B. Promptly cooperate and take all steps necessary to transfer any funds or any interest in any insurance policy to the purchaser's new seller upon the request of the purchaser or to pay out to the purchaser or preneed beneficiary, upon written request, from the preneed trust or joint account all funds held for that purchaser's preneed contract including principal and income.

(2) A seller ceasing business under this section shall have a period of 6 months to wind down its business. A seller who has notified the board of its intention to cease business under this statute may, during the 6 month wind down period, take action only as necessary to wind down its business and shall engage in no new sales nor accept any new preneed contracts.

(3) If the ceasing seller fails to transfer all preneed funds to a purchaser's new seller, to an assuming seller, or to the purchaser or beneficiary within 6 months of ceasing business, as reflected either on the cease doing business form filed with the board or by independent verification by the board that the seller has ceased business, then the board and the Attorney General shall have concurrent jurisdiction to file any legal proceedings, including, but not limited to, interpleader, receivership, injunction, or any appropriate proceedings in probate court, to take control of the seller's preneed funds from any preneed trust or joint account and any insurance policies or insurance policy proceeds to ensure that the preneed funds are distributed so that the purchasers and preneed contract beneficiaries are protected and the funds are used to pay for the final disposition of the preneed contract beneficiary at the time of death.

(4) If any funds are held by, or on behalf of, the ceasing seller for preneed contract beneficiaries who have died but no claim has been made by any provider and more than 1 year has passed since the death of the preneed contract beneficiary, and the seller has confirmed that no such funds are due to the state for repayment of public assistance received by the preneed beneficiary, then those funds shall be paid to the Secretary of State as unclaimed property.

(5) A seller whose license has been revoked shall cease its business under this section.

(L. 2009 S.B. 1)

Board to maintain certain personal information about purchaser--confidentiality of information.

436.525. **1.**The board shall maintain as a closed and confidential record, not subject to discovery unless the person provides written consent for disclosure, all personal information about any individual preneed purchaser or beneficiary, including but not limited to name, address, Social Security number, financial institution account numbers, and any health information disclosed in the preneed contract or any document prepared in conjunction with the preneed contract; provided, however, that the board may disclose such confidential information without the consent of the person involved in the course of voluntary interstate exchange of information; or in the course of any litigation concerning that person or the provider, seller, or sales agent involved with the preneed contract; or pursuant to a lawful request or to other administrative or law enforcement agencies acting within the scope of their statutory authority. In any such litigation, the board and its attorneys shall take reasonable precautions to ensure the protection of such information from disclosure to the public.

2. The board may disclose, as an open record, whether the board has conducted a financial examination of a seller and if so, the date the board closed the last financial examination and whether any financial examination is currently open.

3. The board shall consider an examination “closed” as of the date the board approves the exam be closed or, if there is a pending discipline or litigation involving the findings from a financial examination, the exam shall be considered closed when the disciplinary order is entered or upon the conclusion of any discipline related litigation. A financial examination shall be considered “open” from the time the seller receives written notice from the board that an examination has begun and shall remain open until such time as the financial examination is closed.

4. No other information about the seller’s financial examination shall be deemed to be an open record, unless otherwise designated as open by any other statute. The board may disclose any other information about a seller’s financial examination only upon the written consent of the seller or as otherwise provided by law.

(L. 2009 S.B. 1 § 1)

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June 21, 2015

Chairman Collin Follis
Missouri State Board of Embalmers and Funeral Directors
3605 Missouri Boulevard
PO Box 423
Jefferson City, MO 65102-0423

Re: Rules Committee

Dear Collin:

The first meeting of the State Board Rules Committee has been scheduled for June 30th, and it is my understanding that only two matters have been included on the Committee's agenda: Seller Records and traveling embalmers. I anticipate that the two hours scheduled for the Committee meeting will not be enough to address the Seller Records issues, and so I am requesting that the following issues be included on the next agenda of the Committee: Seller Fees; Funeral Establishments and the use of multiple DBAs, and the Scope of Financial Examinations.

With regard to Seller Records, I have enclosed a partial draft. The primary purpose of the financial examinations is to ensure consumer funds are being properly handled by sellers, and the enclosed draft addresses receipt and transfer records.

With regard to Seller Fees, I have also enclosed a proposed draft.

Sincerely,

William Stalter

cc: Sharon Euler
Don Otto
John McCulloch

20 CSR 2120-3.530 Seller Fees and Charges on Trust Funded Preneed Contracts

PURPOSE: This rule clarifies that Section 436.430.2 does not prohibit a seller from including in a preneed contract a fee or charge that is in compliance with the Federal Trade Commission's Funeral Rule.

- (1) A seller may include in a preneed contract any fee or any charge that is disclosed on the seller's general price list, and which has not been found by the Federal Trade Commission to violate 16 CFR Part 453.
- (2) Any fee or charge that is assessed as an additional cost to the consumer to control or limit the future purchase price of the goods or services described in the preneed contract shall be excluded from the Section 436.430.2 origination fee and from Section 436.430.3 sales expense, so that one hundred percent (100%) of such fee or charge is deposited to trust, and maintained in trust until the cancellation or performance of the contract.

*Original authority: 333.340, RSMo 2009; 436.430, RSMo 2009; and 436.520, RSMo 2009.

Recommended Academic Plan for Funeral Directing

Certificate
of
Specialization



This plan is a suggested semester-by-semester plan. It is designed to keep you on track for a timely graduation. This plan is not a substitute for academic advising. Contact an advisor for further information regarding placement based on ACT/SAT or COMPASS exam scores, scheduling, degree requirements, and graduation requirements.

***The Funeral Directing Program has additional admission criteria that must be met in order to enroll in courses. Contact an advisor for specific information and to submit an application to the program. Additional information is also available at http://www.stlcc.edu/Programs/Funeral_Directing/**

Fall Semester				
Course	Credits	Prerequisite	Milestone/Notes	Completed
FSE:101 History and Sociology of Funeral Service	3	Admission to the Funeral Directing Program	Offered during the fall semester only; Requires a minimum grade of "C" or higher	
FSE:107 Funeral Service Merchandising	2	Program Director Approval	Offered during the fall semester only; Requires a minimum grade of "C" or higher	
FSE:201 Funeral Home Management	2	Program Director Approval	Offered during the fall semester only; Requires a minimum grade of "C" or higher	
COM:101 Oral Communication I	3			
IS:116 Computer Literacy	3			
Subtotal	13			

Spring Semester				
Course	Credits	Prerequisite	Milestone/Notes	Completed
FSE:102 Dynamics of Grief Management	3	Program Director Approval	Offered during the spring semester only; Requires a minimum grade of "C" or higher	
FSE:103 Funeral Directing	2	Program Director Approval	Offered during the spring semester only; Requires a minimum grade of "C" or higher	
PSY: 200 General Psychology	3			
ACC:100 Applied Accounting	3			
Subtotal	12			

Total Hours in the Program: 25

*See Catalog for classes that will fulfill the elective requirements stlcc.edu/Admissions_and_Registration/Course_Catalog.html or the Funeral Directing web page stlcc.edu/Programs/Funeral_Directing/

Maximize your transfer credits/classes by meeting with an academic advisor.

Funeral Directing CS Quick Checklist

Courses	Credit Hours	Notes
REQUIRED COURSES		
ACC:100 Applied Accounting		
COM:101 Oral Communication I		
FSE:101 History and Sociology of Funeral Service		
FSE:102 Dynamics of Grief Management		
FSE:103 Funeral Directing		
FSE:107 Funeral Service Merchandising		
FSE:201 Funeral Home Management		
PSY: 200 General Psychology		
IS:116 Computer Literacy		

For more information, please see stlcc.edu/Programs/Degrees or consult the College Catalog at stlcc.edu/Admissions_and_Registration/Course_Catalog.html

Advisor Contact Information

Name
Phone
Email

TEXT IN RED HAS BEEN PREVIOUSLY APPROVED BY THE BOARD AS A DRAFT AMENDMENT TO THE REGULATION AND IS PENDING (Bold is additions and text inside [] is approved deletions)

TEXT IN GREEN IS PROPOSED FEE CHANGES TO BE DISCUSSED AT THE SEPTEMBER, 2016 MEETING

**Title 20-DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND
PROFESSIONAL REGISTRATION
Division 2120-State Board of Embalmers and Funeral Directors
Chapter 2- General Rules**

PROPOSED AMENDMENT

20 CSR 2120-2.100 Fees

Purpose: The purpose of the amendment is to provide additional clarification of the fees of the board as well as modify some of the fees.

PURPOSE: This rule establishes and fixes the various fees and charges authorized by Chapter 333, RSMo.

(1) The following fees hereby are established by the State Board of Embalmers and Funeral Directors:

(A) Embalmer Practicum Student Registration Fee	\$ 25
(B) Embalmer Application Fee – Apprentice, Reciprocity	\$200
[(C) Embalmer Oral Examination Fee	\$125
(D) Embalmer Reciprocity Application Fee	\$300]
[(E)] (C) Embalmer Biennial Renewal Fee	\$200 150
[(F)] (D) Funeral Director Application Fee – Apprentice, Education, Reciprocity, Limited	\$200
[(G) Funeral Director Limited License Application Fee	\$200150
(H) Funeral Director Reciprocity Application Fee	\$300]
[(I)] (E) Funeral Director Biennial Renewal Fee	\$200 150
[(J)] (F) Funeral Director, Embalmer, Establishment Reactivation Fee (up to one (1) year after date license lapsed)	\$100
[(K)] (G) Funeral Director, Embalmer, Establishment Reactivation Fee (up to two (2) years after date license lapsed)	\$200
[(L)] (H) Establishment Application Fee	\$300250
[(M)] (I) Amended Establishment Application Fee	\$ 25
[(N)] (J) Establishment Biennial Renewal Fee	\$250200
[(O)] (K) Reciprocity Certification Fee	\$ 10
[(P)] (L) Duplicate Wallhanging Fee	\$ 10
[(Q)] (M) Collection Fee for Bad Checks	\$ 25
[(R)] (N) Law Book Requests	\$ 5[*]
[(S) Examination Review Fee	\$ 25
(T) (O) Background Check Fee (amount determined by the Missouri State Highway Patrol)	
[(U)] (P) Provider License Application Fee (if no Funeral Establishment license)	\$200
[(V)] (Q) Provider License Application Fee (if also Funeral Establishment license)	\$100
[(W)] (R) Provider Annual Renewal Fee	\$ 0
[(X)] (S) Provider Delinquent Renewal Fee – In addition to annual renewal fee (up to one (1) year after the date license lapsed)	\$100
(T) Provider Delinquent Renewal Fee - In addition to annual renewal fee (up to two (2) years after the date license lapsed)	\$200
[(Y)] (U) Seller License Application Fee	\$200
[(Z)] (V) Seller Annual Renewal Fee	\$200150

[(AA)] (W) Seller Delinquent Renewal Fee – In addition to annual renewal fee (up to one (1) year after the date license lapsed)	\$200
(X) Seller Delinquent Renewal Fee – In addition to annual renewal fee (up to two (2) years after the date license lapsed)	[\$200] 400
[(BB)] (Y) Preneed Agent Registration Fee	\$ 50 40
[(CC)] (Z) Preneed Agent Annual Registration Renewal Fee	\$ 50 40
[(DD)] (AA) Preneed Agent Delinquent Renewal Fee - In addition to annual renewal fee (up to one (1) year after the date license lapsed)	\$ 50
(BB) Preneed Agent Delinquent Renewal Fee - In addition to annual renewal fee (up to two (2) years after the date license lapsed)	\$100
[(EE)] Preneed Seller Agent Law Examination Fee	\$ **]
[(FF)] (CC) Seller per Contract Annual Reporting Fee [(for contracts executed on or after August 28, 2009September 1, 2015)] (THIS HAS ALREADY BEEN AMENDED/EFFECTIVE)	\$ 3625
[(HH)] (DD) Amended Provider Application Fee	\$ 25
[(II)] (EE) Amended Seller Application Fee	\$ 25

[*This fee will not apply to the initial copy of the law book which is automatically mailed to all applicants for licensure and to educational institutions of mortuary science. Furthermore, this fee will not be charged to licensees or any other individual, for additions or corrections to the law book after the initial copy is mailed.

****This fee is not yet determined by the board.]**

(2) All fees are nonrefundable.

(3) The provisions of this rule are severable. If any fee fixed by this rule is held invalid by a court of competent jurisdiction, the remaining provisions of this rule shall remain in full force, unless otherwise determined by a court of competent jurisdiction.

	A	B	C	D	E	F	G
1	Embalmers - Scenario 2						
2	FY 2016 - FY 2020 Financial Projections						
3		FY 2015	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020
4		Actual	Projections	Projections	Projections	Projections	Projections
5	Beginning Fund Balance	3,009,200.72	2,934,077.37	3,031,776.48	2,897,781.94	2,677,498.57	2,522,182.19
6	Revenue	784,919.20	882,745.00	540,040.00	1,349,440.00	540,040.00	1,349,440.00
7	Establish App Fee (\$300 to \$250)				(1,550.00)	(1,550.00)	(1,550.00)
8	Fun Director Reciprocity App Fee (\$300 to \$200)				(1,100.00)	(1,100.00)	(1,100.00)
9	Emb Reciprocity App Fee (\$300 to \$200)				(1,200.00)	(1,200.00)	(1,200.00)
10	Preneed Agent Reg. Fee (\$50 to \$40)				(500.00)	(500.00)	(500.00)
11	Renewal - Funeral Director (\$200 to \$5 then to \$150)				(433,290.00)		(111,100.00)
12	Renewal - Embalmer (\$200 to \$5 then to \$150)				(207,870.00)		(53,300.00)
13	Renewal - Establishments (\$250 to \$5 then to \$200)				(165,375.00)		(33,750.00)
14	Renewal - Seller (\$200 to \$5 then to \$150)				(63,375.00)	(16,250.00)	(16,250.00)
15	Renewal - Preneed Agent (\$50 to \$5 then to \$40)				(8,550.00)	(1,900.00)	(1,900.00)
16	Revenue Adjustments			73,000.00	73,000.00	73,000.00	73,000.00
17	Total Funds Available	3,794,119.92	3,816,822.37	3,644,816.48	3,437,411.94	3,268,038.57	3,723,972.19
18	Appropriation Costs:						
19	Expense and Equipment	125,917.52	164,200.00	164,200.00	164,200.00	164,200.00	164,200.00
20	Personal Service & Per Diem		0.00	0.00	0.00	0.00	0.00
21	Total Appropriation Costs	125,917.52	164,200.00	164,200.00	164,200.00	164,200.00	164,200.00
22	Transfer Costs:						
23	Workers Comp Fund		0.00	0.00	0.00	0.00	0.00
24	Unemployment		0.00	0.00	0.00	0.00	0.00
25	Board Staff Fringe Benefits		0.00	0.00	0.00	0.00	0.00
26	Biennium Sweep		0.00	0.00	0.00	0.00	0.00
27	Rent Transfer	7,645.19	6,338.79	6,338.79	6,338.79	6,338.79	6,338.79
28	Department Cost Allocation	2,511.78	2,483.28	2,483.28	2,483.28	2,483.28	2,483.28
29	Licensee Refunds	1,608.75	1,500.00	1,500.00	1,500.00	1,500.00	1,500.00
30	Licensure System	14,312.41	0.00	0.00	0.00	0.00	0.00
31	Start-Up Loan Payback		0.00	0.00	0.00	0.00	0.00
32	PR Transfer:						
33	Division-Wide Costs:	28,541.86	39,219.16	39,389.51	39,316.35	39,164.27	39,389.51
34	Purchasing Staff:	419.21	410.31	410.31	410.31	410.31	410.31
35	Legal Team:	41,628.34	47,698.43	47,698.43	47,698.43	47,698.43	47,698.43
36	CRR Staff:	3,301.31	5,689.32	3,741.69	5,632.43	3,741.69	5,689.32
37	Board Specific:						
38	Expense/Equipment	10,312.89	0.00	0.00	0.00	0.00	0.00
39	E/E - License Paper/Envelopes		1,078.00	1,078.00	1,078.00	1,078.00	1,078.00
40	E/E - Computer Replacement		1,056.40	1,890.40	6,394.00	1,056.40	1,890.40
41	E/E - Adm Approp Testing Services		0.00	0.00	0.00	0.00	0.00
42	Personal Services	337,562.09	372,979.94	372,979.94	372,979.94	372,979.94	372,979.94
43	Fringe Benefits	149,413.41	182,349.89	182,349.89	182,349.89	182,349.89	182,349.89
44	Technical Support Staff:	4,428.83	8,647.69	8,647.69	8,789.31	8,647.69	8,647.69
45	Central Mail Processing:	1,473.84	1,930.38	1,930.38	1,917.44	1,930.38	1,930.38
46	Central Investigative Unit:	64,065.49	80,834.31	80,953.23	80,952.20	80,834.31	80,953.23
47	Total PR Transfer	641,147.27	741,893.83	741,069.47	747,518.30	739,891.31	743,017.10
48							
49	OA Cost Allocation - Board Cost	5,636.00	12,373.00	5,943.00	12,373.00	5,943.00	12,373.00
50							
51	GR Transfer:						
52	Attorney General	5,534.65	20,500.00	20,500.00	20,500.00	20,500.00	20,500.00
53	Admin. Hearing Comm.	1,861.75	5,000.00	5,000.00	5,000.00	5,000.00	5,000.00
54	Total GR Transfer	7,396.40	25,500.00	25,500.00	25,500.00	25,500.00	25,500.00
55							
56	Lapsed Approp. Costs/Transfers Estimate		(300,000.00)	(200,000.00)	(200,000.00)	(200,000.00)	(200,000.00)
57							
58	FY 2014/2015 Transfers Carried Over:						
59	June PR Transfer	60,715.26	69,053.17				
60	July Lapse PR Transfer		0.00				
61	PR Transfer Adjustment	(7,133.03)	4,253.99				
62	Rent Transfer - Adjustment		0.62				
63	DIFP Transfer Adjustment		(129.38)				
64	Attorney General		3,041.40				
65	Administrative Hearing	285.00	404.00				
66	Total FY 2014/2015 Transfers Carried Over	53,867.23	76,623.80	0.00	0.00	0.00	0.00
67	Total Transfers	734,125.03	866,712.70	782,834.54	795,713.37	781,656.38	791,212.17
68	Total Appropriation Costs and Transfers	860,042.55	730,912.70	747,034.54	759,913.37	745,856.38	755,412.17
69	Ending Fund Balance	2,934,077.37	3,031,776.48	2,897,781.94	2,677,498.57	2,522,182.19	2,968,560.02
70	Fund Level Based on Projected Expenses		4.15	3.88	3.52	3.38	3.93
71	Projected Expenses		730,912.70	747,034.54	759,913.37	745,856.38	755,412.17
72							
73	Biennium Sweep Calculation			2.64		2.30	
74	Appropriation			1,098,287.00		1,098,287.00	
75	2 or 3 Times			3.00		3.00	
76	Sweep Calculation:			3,294,861.00		3,294,861.00	
77	Sweep Amount			0.00		0.00	
78	2 Year Cost Analysis:						
79	Revenue for FY 2019 & FY 2020	1,792,330.00					
80	Expenses/Transfers for FY 2019 & FY 2020	1,501,268.55					
81		291,061.45					

Note: Fringe Benefits - 48.89%

	A	B	C	D	E	F	G
1	Embalmers - Scenario 2						
2	FY 2016 - FY 2020 Financial Projections						
3		FY 2015	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020
4		Actual	Projections	Projections	Projections	Projections	Projections
5	Beginning Fund Balance	3,009,200.72	2,934,077.37	3,031,776.48	2,897,781.94	2,677,498.57	2,522,182.19
6	Revenue	784,919.20	882,745.00	540,040.00	1,349,440.00	540,040.00	1,349,440.00
7	Establish App Fee (\$300 to \$250)				(1,550.00)	(1,550.00)	(1,550.00)
8	Fun Director Reciprocity App Fee (\$300 to \$200)				(1,100.00)	(1,100.00)	(1,100.00)
9	Emb Reciprocity App Fee (\$300 to \$200)				(1,200.00)	(1,200.00)	(1,200.00)
10	Preneed Agent Reg. Fee (\$50 to \$40)				(500.00)	(500.00)	(500.00)
11	Renewal - Funeral Director (\$200 to \$5 then to \$150)				(433,290.00)		(111,100.00)
12	Renewal - Embalmer (\$200 to \$5 then to \$150)				(207,870.00)		(53,300.00)
13	Renewal - Establishments (\$250 to \$5 then to \$200)				(165,375.00)		(33,750.00)
14	Renewal - Seller (\$200 to \$5 then to \$150)				(63,375.00)	(16,250.00)	(16,250.00)
15	Renewal - Preneed Agent (\$50 to \$5 then to \$40)				(8,550.00)	(1,900.00)	(1,900.00)
16	Revenue Adjustments			73,000.00	73,000.00	73,000.00	73,000.00
17	Total Funds Available	3,794,119.92	3,816,822.37	3,644,816.48	3,437,411.94	3,268,038.57	3,723,972.19
18	Appropriation Costs:						
19	Expense and Equipment	125,917.52	164,200.00	164,200.00	164,200.00	164,200.00	164,200.00
20	Personal Service & Per Diem		0.00	0.00	0.00	0.00	0.00
21	Total Appropriation Costs	125,917.52	164,200.00	164,200.00	164,200.00	164,200.00	164,200.00
22	Transfer Costs:						
23	Workers Comp Fund		0.00	0.00	0.00	0.00	0.00
24	Unemployment		0.00	0.00	0.00	0.00	0.00
25	Board Staff Fringe Benefits		0.00	0.00	0.00	0.00	0.00
26	Biennium Sweep		0.00	0.00	0.00	0.00	0.00
27	Rent Transfer	7,645.19	6,338.79	6,338.79	6,338.79	6,338.79	6,338.79
28	Department Cost Allocation	2,511.78	2,483.28	2,483.28	2,483.28	2,483.28	2,483.28
29	Licensee Refunds	1,608.75	1,500.00	1,500.00	1,500.00	1,500.00	1,500.00
30	Licensure System	14,312.41	0.00	0.00	0.00	0.00	0.00
31	Start-Up Loan Payback		0.00	0.00	0.00	0.00	0.00
32	PR Transfer:						
33	Division-Wide Costs:	28,541.86	39,219.16	39,389.51	39,316.35	39,164.27	39,389.51
34	Purchasing Staff:	419.21	410.31	410.31	410.31	410.31	410.31
35	Legal Team:	41,628.34	47,698.43	47,698.43	47,698.43	47,698.43	47,698.43
36	CRR Staff:	3,301.31	5,689.32	3,741.69	5,632.43	3,741.69	5,689.32
37	Board Specific:						
38	Expense/Equipment	10,312.89	0.00	0.00	0.00	0.00	0.00
39	E/E - License Paper/Envelopes		1,078.00	1,078.00	1,078.00	1,078.00	1,078.00
40	E/E - Computer Replacement		1,056.40	1,890.40	6,394.00	1,056.40	1,890.40
41	E/E - Adm Approp Testing Services		0.00	0.00	0.00	0.00	0.00
42	Personal Services	337,562.09	372,979.94	372,979.94	372,979.94	372,979.94	372,979.94
43	Fringe Benefits	149,413.41	182,349.89	182,349.89	182,349.89	182,349.89	182,349.89
44	Technical Support Staff:	4,428.83	8,647.69	8,647.69	8,789.31	8,647.69	8,647.69
45	Central Mail Processing:	1,473.84	1,930.38	1,930.38	1,917.44	1,930.38	1,930.38
46	Central Investigative Unit:	64,065.49	80,834.31	80,953.23	80,952.20	80,834.31	80,953.23
47	Total PR Transfer	641,147.27	741,893.83	741,069.47	747,518.30	739,891.31	743,017.10
48							
49	OA Cost Allocation - Board Cost	5,636.00	12,373.00	5,943.00	12,373.00	5,943.00	12,373.00
50							
51	GR Transfer:						
52	Attorney General	5,534.65	20,500.00	20,500.00	20,500.00	20,500.00	20,500.00
53	Admin. Hearing Comm.	1,861.75	5,000.00	5,000.00	5,000.00	5,000.00	5,000.00
54	Total GR Transfer	7,396.40	25,500.00	25,500.00	25,500.00	25,500.00	25,500.00
55							
56	Lapsed Approp. Costs/Transfers Estimate		(300,000.00)	(200,000.00)	(200,000.00)	(200,000.00)	(200,000.00)
57							
58	FY 2014/2015 Transfers Carried Over:						
59	June PR Transfer	60,715.26	69,053.17				
60	July Lapse PR Transfer		0.00				
61	PR Transfer Adjustment	(7,133.03)	4,253.99				
62	Rent Transfer - Adjustment		0.62				
63	DIFP Transfer Adjustment		(129.38)				
64	Attorney General		3,041.40				
65	Administrative Hearing	285.00	404.00				
66	Total FY 2014/2015 Transfers Carried Over	53,867.23	76,623.80	0.00	0.00	0.00	0.00
67	Total Transfers	734,125.03	866,712.70	782,834.54	795,713.37	781,656.38	791,212.17
68	Total Appropriation Costs and Transfers	860,042.55	730,912.70	747,034.54	759,913.37	745,856.38	755,412.17
69	Ending Fund Balance	2,934,077.37	3,031,776.48	2,897,781.94	2,677,498.57	2,522,182.19	2,968,560.02
70	Fund Level Based on Projected Expenses		4.15	3.88	3.52	3.38	3.93
71	Projected Expenses		730,912.70	747,034.54	759,913.37	745,856.38	755,412.17
72							
73	Biennium Sweep Calculation			2.64		2.30	
74	Appropriation			1,098,287.00		1,098,287.00	
75	2 or 3 Times			3.00		3.00	
76	Sweep Calculation:			3,294,861.00		3,294,861.00	
77	Sweep Amount			0.00		0.00	
78	2 Year Cost Analysis:						
79	Revenue for FY 2019 & FY 2020	1,792,330.00					
80	Expenses/Transfers for FY 2019 & FY 2020	1,501,268.55					
81		291,061.45					

Note: Fringe Benefits - 48.89%

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	
	FY 2016 Actual																FY 2016 Projections	
	July	August	September	October	November	December	January	February	March	April	May	June	July	Lapsed	YTD Total	Projected	Remaining (Projected - YTD Total)	
1	Embalmers - 0633																	
2	FY 2016 Monthly Fund Balance Sheet																	
3																		
4																		
5	Beginning Fund Balance	2,854,935.84	2,778,542.43	2,751,837.31	3,240,475.14	3,223,458.86	3,175,150.46	3,116,259.06	3,061,743.90	3,080,149.87	3,066,276.70	3,083,363.35	3,031,776.48	0.00	967,678.50	882,145.00	(84,933.50)	
6	Revenue	4,180.00	7,105.00	60,051.00	570,195.00	54,725.00	8,466.00	8,298.00	79,273.00	61,687.00	68,143.50	17,640.00	0.00	0.00	967,678.50	882,145.00	(84,933.50)	
7	Revenue Adjustment	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
8	Total Revenue	4,180.00	7,105.00	60,051.00	570,195.00	54,725.00	8,466.00	8,298.00	79,273.00	61,687.00	68,143.50	17,640.00	0.00	0.00	967,678.50	882,145.00	(84,933.50)	
9	Total Funds Available	2,836,257.37	2,862,040.84	2,838,593.43	3,322,032.31	3,295,200.14	3,183,616.46	3,124,557.06	3,141,016.90	3,141,836.87	3,134,420.20	3,101,003.35	3,031,776.48	0.00	967,678.50	882,145.00	(84,933.50)	
10																		
11	Appropriation Costs:																	
12	Expense and Equipment	10,531.88	18,932.69	21,091.68	9,793.86	15,745.66	8,312.77	11,299.15	11,273.84	17,639.54	5,023.09	13,823.14	0.00	0.00	163,738.06	164,200.00	461.94	
13	Personal Service and Per Diem	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
14	Total Appropriation Costs	10,531.88	18,932.69	21,091.68	9,793.86	15,745.66	8,312.77	11,299.15	11,273.84	17,639.54	5,023.09	13,823.14	0.00	0.00	163,738.06	164,200.00	461.94	
15																		
16	PR Appropriated Transfers (HB 7.540):																	
17	Licensure System Cost	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
18	Rent	0.00	519.96	0.00	1,043.21	507.96	535.38	507.96	507.96	534.05	507.96	1,039.28	0.00	0.00	6,210.66	6,338.79	128.11	
19	DIFP Department Cost Allocation	0.00	877.50	0.00	0.00	503.90	0.00	511.90	0.00	0.00	0.00	470.74	0.00	0.00	2,463.94	2,463.94	0.00	
20	Licensee Refunds	0.00	0.00	0.00	0.00	0.00	1,496.00	0.00	0.00	0.00	0.00	2,472.00	0.00	0.00	3,968.00	1,500.00	(2,468.00)	
21	Start-up Loan - Borrower's Expense	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
22	Division PR Transfer:	0.00	2,572.89	2,625.89	2,414.29	1,944.62	2,146.15	2,768.39	2,284.30	2,679.83	2,055.70	2,684.46	0.00	0.00	26,900.22	38,219.16	12,318.94	
23	Divisions-Wide Costs	0.00	62.52	51.15	53.02	55.34	61.53	61.91	61.38	63.99	55.75	57.95	0.00	0.00	642.27	410.31	(231.96)	
24	Purchasing Staff	0.00	553.96	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	553.96	0.00	(553.96)	
25	PR/IT Staff	0.00	4,842.30	4,799.59	3,491.31	2,989.74	4,377.97	4,204.07	3,754.29	4,401.15	2,745.80	3,187.63	0.00	0.00	43,353.47	47,696.43	4,344.96	
26	Legal Team	0.00	331.95	333.86	666.88	1,062.26	553.40	392.23	424.70	762.27	669.00	492.22	0.00	0.00	6,288.90	5,699.59	(589.31)	
27	CRR Staff	0.00	488.63	0.00	12.58	68.10	95.92	203.15	43.52	2,015.02	265.40	0.00	0.00	0.00	3,192.32	2,134.40	(1,057.92)	
28	Board Specific:	0.00	32,033.56	39,621.02	29,866.88	30,084.60	27,546.53	25,416.10	24,351.55	21,903.48	21,677.33	25,993.02	0.00	0.00	307,803.90	372,979.94	65,176.04	
29	Expense/Equipment	0.00	13,113.37	15,614.22	12,919.85	12,810.17	11,679.43	10,809.28	10,727.87	9,617.75	9,398.60	10,737.94	0.00	0.00	130,038.04	182,349.89	52,311.85	
30	Personal Services	0.00	1,151.80	748.55	695.43	475.57	504.22	436.36	393.29	373.60	361.57	570.86	0.00	0.00	6,102.53	8,647.69	2,545.16	
31	Fringe Benefits	0.00	161.49	158.38	167.36	202.59	182.15	154.81	170.31	161.20	164.13	162.34	0.00	0.00	1,851.65	1,930.38	78.73	
32	Technical Support Staff	0.00	5,984.15	5,956.27	5,063.77	5,063.77	4,282.93	5,100.85	6,893.94	12,314.29	8,045.02	7,535.29	0.00	0.00	72,106.15	80,834.31	8,728.16	
33	Central Mail Processing	0.00	60,466.72	69,906.93	55,435.72	54,756.76	54,877.45	49,545.85	49,085.13	54,292.58	45,440.30	51,421.71	0.00	0.00	598,833.41	741,893.83	143,060.42	
34	CIU Investigations	0.00	61,893.18	69,906.93	56,478.93	55,768.62	55,185.22	55,803.83	49,593.09	54,826.63	45,948.26	55,403.73	0.00	0.00	611,376.03	752,215.90	140,839.87	
35	Total Division PR Transfer	0.00	69,696.65	69,906.93	55,435.72	54,756.76	54,877.45	49,545.85	49,593.09	54,826.63	45,948.26	55,403.73	0.00	0.00	611,376.03	752,215.90	140,839.87	
36	Total PR Appropriated Transfers (HB 7.540)	0.00	69,696.65	69,906.93	55,435.72	54,756.76	54,877.45	49,545.85	49,593.09	54,826.63	45,948.26	55,403.73	0.00	0.00	611,376.03	752,215.90	140,839.87	
37																		
38	GR Transfer (HB 7.535):																	
39	Attorney General	0.00	0.00	0.00	3,682.78	283.29	147.80	948.40	0.00	0.00	0.00	0.00	0.00	0.00	0.00	5,801.29	20,500.00	14,698.71
40	Administrative Hearing Comm.	0.00	0.00	0.00	126.50	28.50	0.00	0.00	0.00	0.00	85.50	0.00	0.00	0.00	250.00	5,000.00	4,750.00	
41	Total GR Transfer	0.00	0.00	0.00	3,682.78	409.79	147.80	948.40	0.00	0.00	85.50	0.00	0.00	0.00	6,051.29	25,500.00	19,448.71	
42																		
43	Other Transfers:																	
44	Workers Compensation	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
45	Unemployment	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
46	Board Staff Fringe Benefits	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
47	Biennium Sweep	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
48	OK Cost Allocation Transfer	3,093.00	0.00	0.00	3,093.00	0.00	3,093.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	12,373.00	0.00	9,280.00	
49																		
50	FY 2015 Transfers Carried Over:																	
51	FY 2015 June PR Transfer	69,053.17	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	69,053.17	0.00	69,053.17	
52	FY 2015 July Lapse PR Transfer	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
53	FY 2015 PR Transfer Adjustment	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
54	FY 2015 Final Rent Transfer Adj	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
55	FY14 & FY15 DIFP Transfer Adjustment	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
56	FY 2015 AG - May & June	239.48	2,801.92	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	3,041.40	0.00	2,801.92	
57	FY 2015 AHC - June	404.00	2,872.54	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	404.00	0.00	404.00	
58	Total FY 2015 Transfers Carried Over	69,696.65	2,872.54	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	76,473.57	0.00	76,473.57	
59	Total Transfers	77,789.85	64,985.72	65,864.44	71,763.31	55,995.62	59,044.63	51,514.01	49,593.09	57,920.63	46,033.76	55,403.73	0.00	0.00	705,241.31	866,712.70	161,471.37	
60	Total Appropriation Costs and Transfers	83,321.53	83,498.41	86,756.12	81,597.17	71,741.28	67,357.40	62,813.16	60,867.03	75,580.17	51,056.85	69,226.87	0.00	0.00	869,979.39	1,030,912.70	160,933.31	
61	Ending Fund Balance	2,854,935.84	2,778,542.43	2,751,837.31	3,240,475.14	3,223,458.86	3,175,150.46	3,116,259.06	3,061,743.90	3,080,149.87	3,066,276.70	3,083,363.35	3,031,776.48	0.00	967,678.50	882,145.00	(84,933.50)	
62	Please note that the Projected Total Appropriation Costs and Transfers does NOT include the Lapsed Appropriation Costs/Transfers Estimate included on your 5 Year Projections (line 48)																	
63	Total PR Transfer - HB 7.540	69,696.65	69,906.93	55,435.72	54,756.76	54,877.45	49,545.85	49,593.09	54,826.63	45,948.26	55,403.73	0.00	0.00	0.00	611,376.03	752,215.90	140,839.87	
64	Total GR Transfer - HB 7.535	0.00	0.00	0.00	3,682.78	409.79	147.80	948.40	0.00	0.00	85.50	0.00	0.00	0.00	6,051.29	25,500.00	19,448.71	
65	Total Other Transfers	3,093.00	0.00	0.00	3,093.00	0.00	3,093.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	12,373.00	0.00	9,280.00	
66	Total	83,321.53	83,498.41	86,756.12	81,597.17	71,741.28	67,357.40	62,813.16	60,867.03	75,580.17	51,056.85	69,226.87	0.00	0.00	869,979.39	1,030,912.70	160,933.31	
67	Please note that the Projected Total Appropriation Costs and Transfers does NOT include the Lapsed Appropriation Costs/Transfers Estimate included on your 5 Year Projections (line 48)																	
68	Total PR Transfer - HB 7.540	69,696.65	69,906.93	55,435.72	54,756.76	54,877.45	49,545.85	49,593.09	54,826.63	45,948.26								

**Title 20-DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND
PROFESSIONAL REGISTRATION
Division 2120-State Board of Embalmers and Funeral Directors
Chapter 1-Organization and Description of Board**

PROPOSED AMENDMENT

20 CSR 2120-2.010 Embalmer's Registration and Apprenticeship

PURPOSE: This proposed amendment provides additional clarification of the requirements for licensure updates the terminology to be more consistent with current date; provides additional clarity relating to practicum registrations; and addresses the elimination of the previously required embalmer oral examination requirement.

PURPOSE: This rule establishes the procedures to be used to secure an embalmer's license.

(1) Every person desiring to enter the profession of embalming dead human bodies within Missouri, and who is enrolled in an accredited **[institution] program** of mortuary science, shall complete a practicum as required by the accredited **[institution] program** of mortuary science education.

(2) For every person desiring to enter the profession of embalming dead human bodies within Missouri the board may conduct a criminal history background check through the Missouri State Highway Patrol. Applicants shall submit to the board the applicable fee for the criminal history background check as determined by the Missouri State Highway Patrol.

(3) After registration with the board as a practicum student in an accredited **[institution] program** of mortuary science education, the student may assist in a Missouri licensed funeral establishment preparation room only under the direct supervision of a Missouri licensed embalmer and may assist in the direction of funerals only under the direct supervision of a Missouri licensed funeral director Each person desiring to be a practicum student shall register with the board as a practicum student on the form provided by the board in accordance with the requirements of the accredited **[institution] program** of mortuary science prior to beginning the practicum. Applications shall be accompanied by the applicable fee.

(4) If during the course of the practicum, the practicum student wishes to work at a Missouri licensed funeral establishment other than as designated on the certificate of registration, the practicum student shall notify the board in writing of the name, location, and Missouri licensed funeral establishment license number of the new Missouri licensed funeral establishment prior to practicing as a practicum student at that location. [During the period of the practicum, the certificate of registration issued to the practicum student shall be displayed, at all times, in a conspicuous location accessible to the public at each funeral establishment where the practicum student is working.

(5) The practicum student registration authorizes the registrant to engage in the practice of embalming only at the Missouri licensed funeral establishment(s) designated on the certificate of registration and only under the direct supervision of a Missouri licensed embalmer. The practicum student may assist in the practice of funeral directing only under the direct supervision of a Missouri licensed funeral director and only at the Missouri licensed funeral establishment(s) designated on the certificate of registration. If during the course of the practicum, the practicum student wishes to work at a Missouri licensed funeral establishment other than as designated on the certificate of registration, the practicum student shall notify the board in writing of the name, location, and Missouri licensed funeral establishment license number of the new Missouri licensed funeral establishment within ten (10) days of the change.]

(6) (5) **If the practicum student needs to extend the practicum a new application will be applicable.** [Upon successful completion of the practicum, t] The practicum student registration shall become null and void **on the end date identified on the practicum registration.** [A practicum shall be deemed successfully completed when the practicum student has achieved a passing grade on the practicum from the institution of mortuary science at which the practicum student is enrolled].

(7) (6) After graduating from an accredited [institution] **program** of mortuary science education, the applicant then shall file, with the board, an official transcript of his/her embalming school grades showing [s/he] **he/she** is a graduate of that [school] **program.** [In addition, the applicant shall ensure that his/her official copy of the national board examination results are provided to the board in writing by the International Conference of Funeral Service Examining Boards, Inc., or designee of the board.] **An applicant shall submit proof of having satisfied the requirements of the National Board Funeral Service Arts examination and the National Board Funeral Service Science examination by having his/her official copy of the scores from the International Conference of Funeral Service Examining Boards, Inc., or designee of the board, transmitted to the board from the Conference. In lieu of the National Board Funeral Service Arts examination, successful completion of the Missouri Funeral Service Arts examination will be accepted, or the board may accept successful completion of an examination administered by another state, territory, or province of the United States that is substantially equivalent or more stringent than the Missouri Funeral Service Arts examination.**

(8) (7) Effective July 30, 2004, the Missouri State Board embalmers' examination shall consist of the National Board Funeral Service Arts [section] **examination**, the National Board Funeral Service Science [section] **examination**, and Missouri Law [section] **examination.** Application, payment, scheduling, and administration for the [n]National [b]Board examinations will be made directly through the International Conference of Funeral Service Examining Boards, Inc., or other designee of the board. An applicant shall be exempt from the requirement of successful completion of the Missouri Law [section] **examination** if the applicant has successfully completed the Missouri Law [section] **examination** for another Missouri license within the jurisdiction of the board [and] **if the current license [is] remains in active status or the applicant was a registered embalmer apprentice or a registered funeral director apprentice at the time of the examination and such examination occurred within the last twenty-four (24) months.** In lieu of the National Board Funeral Service Arts examination, successful completion of the Missouri Funeral Service Arts examination results will be accepted, or the board may accept successful completion of an examination administered by another state, territory, or province of the United States that is substantially equivalent or more stringent than the Missouri Funeral Service Arts examination.

(9) (8) The embalm[ing]er examination shall cover knowledge of the subjects of embalming, anatomy, pathology, bacteriology, mortuary administration, chemistry, restorative arts, together with statutes, rules, and regulations governing the care, custody, shelter, and disposition of dead human bodies and the transportation thereof.

[(10)] An applicant shall submit proof of having satisfied the requirements of the National Board Funeral Service Arts section and the National Board Funeral Service Science section of the examination by having his/her official copy of the scores from the International Conference of Funeral Service Examining Boards, Inc., or designee of the board transmitted to the board from the Conference. In lieu of the National Board Funeral Service Arts examination, successful completion of the Missouri Funeral Service Arts examination will be accepted, or the board may accept successful completion of an examination administered by another state, territory, or province of the United States that is substantially equivalent or more stringent than the Missouri Funeral Service Arts examination.

[(11)] **(9)** Those applicants achieving seventy-five percent (75%) **or greater** on each of the **[three (3)] [section] examinations** of the embalm[ing]er examination will be deemed to have passed the board's embalm[ing]er examination. Any applicant who scores less than seventy-five percent (75%) on any **[section] examination** of the embalm[ing]er examination may retake the failed **[section] examination**, upon application and payment of the administration and reexamination fees. On any reexamination of a single failed **[section] examination**, the applicant shall score at least seventy-five percent (75%) to pass.

[(12)] **(10)** After the applicant has made a passing grade on the National Board Funeral Service Arts **[section] examination** and the National Board Funeral Service Science **[section] examination** of the embalm[ing]er examination, **[s/he] he/she** then may apply for registration as an apprentice embalmer. **[In lieu of the National Board Funeral Service Arts examination, successful completion of the Missouri Funeral Service Arts examination will be accepted, or the board may accept successful completion of an examination administered by another state, territory, or province of the United States that is substantially equivalent or more stringent than the Missouri Funeral Service Arts examination. This application shall contain the name(s) of the Missouri licensed embalmer(s) under whom s/he will serve. Each supervisor must be licensed and registered with and approved by the board. Any change in supervisor shall also be registered and approved within ten (10) business days after the change has been made. Applications shall be submitted on the forms provided by the board and shall be accompanied by the applicable fee. Application forms are available from the board office or the board's website at <http://pr.mo.gov/embalmers.asp>.]**

[(13)] **(11)** Each apprentice embalmer shall provide to the board, on the application provided by the board, **the name(s) of the Missouri licensed embalmer(s) under whom [s/he] he/she will serve**, the name(s), location(s), and license number(s) of the licensed funeral establishment(s) where **[s/he] he/she [is] will be** serving as an apprentice. **Each supervisor must be licensed and registered with and approved by the board.** If the apprentice embalmer begins work at any other licensed funeral establishment **or has a change in supervisors** during the period of apprenticeship, the apprentice embalmer shall notify the board, on the form provided by the board, **of the name(s), and license numbers(s) or each funeral establishment(s) where he/she will be serving as an apprentice and the supervisor must be licensed and registered with and approved by the board prior to beginning as an apprentice embalmer at the funeral establishment [within ten business days after the change has been made]. Applications shall be submitted on the forms provided by the board and shall be accompanied by the applicable fee.**

[(14)] **(12)** The period of apprenticeship under this rule shall be at least twelve (12) consecutive months. The apprentice embalmer shall devote at least thirty (30) hours per week to his/her duties as an apprentice embalmer **and embalm at least twenty-five (25) dead human bodies.** **[During the period of the apprenticeship, the certificate of registration issued to the apprentice shall be displayed, at all times, in a conspicuous location accessible to the public at each funeral establishment where the apprentice is working.]**

[(15) Prior to completion of the period of apprenticeship, the apprentice embalmer shall achieve a grade of seventy-five percent (75%) or greater on the Missouri Law exam. This exam may be taken any time after graduating from an accredited institution of mortuary science, but shall be successfully completed prior to appearing before the board for oral examination. The Missouri Law exam covers knowledge of Chapter 333, RSMo, and the rules governing the practice of embalming, funeral directing, and funeral home licensing, along with government benefits, statutes and rules governing the care, custody, shelter, disposition, and transportation of dead human bodies. The Missouri Law section also contains questions regarding Chapter 436, RSMo, relating to pre-need statutes and Chapters 193 and 194, RSMo, relating to the Missouri Department of Health and Senior Services statutes, as well as questions regarding Federal Trade Commission rules and regulations and Occupational Safety and Health Administration (OSHA) requirements as they apply to Missouri licensees. Notification of intent to take this section of the examination shall be received by the board at least fifteen (15) working days prior to the date the candidate plans to sit for the examination.]

(16) (13) An affidavit provided by the board, signed by both the apprentice and the supervisor(s) verifying that the applicant has successfully completed the embalming of **at least** twenty-five (25) dead human bodies, **devoted at least thirty (30) hours per week to his/her duties as an apprentice embalmer and has served at least twelve (12) consecutive months** shall be submitted to the board at the time of completion of the apprenticeship period [and prior to the oral examination]. **The embalmer apprentice registration authorizes the registrant to engage in the practice of embalming only during the period of apprenticeship and only under the supervisor(s) registered with the board. Once the apprenticeship is successfully completed as defined in this rule, the embalmer apprentice registration is null and void. Any Missouri licensed embalmer who allows a former apprentice who has completed his/her apprenticeship to engage in the practice of embalming before that apprentice is fully licensed shall be subject to discipline for misconduct under section 333.330.2, RSMo.**

(14) Each embalmer applicant shall achieve a grade of seventy-five percent (75%) or greater on the Missouri Law examination, developed and furnished by the International Conference of Funeral Service Examining Boards, Inc., or designee of the board.

[(17)] (15) After successful completion of the embalmer's examination and the embalmer apprenticeship as provided in these rules, the embalmer applicant shall [appear for the oral examination. To appear for the oral examination, the embalmer applicant shall:] [(A)] [S] submit an application **for licensure as an embalmer** on a form supplied by the board and pay the applicable fees to the board[; ; and (B) Successfully pass the oral examination administered by the board for licensure].

[(18) The oral examination shall be conducted by one (1) or more board members who hold a Missouri state embalmer license, or a member of the board staff that is a licensed embalmer, and shall be conducted in person at a place and time established by the board. The oral examination shall consist of no fewer than five (5) substantive questions related to the practice of embalming and/or the statutes, rules, and regulations governing embalming practice in the state of Missouri. Whether the applicant satisfactorily completes the oral examination shall be in the sole discretion of the board.]

[(19)] (16) After satisfactory completion of these requirements, an embalmer's license shall be issued to an [apprentice] embalmer **applicant** upon payment of the applicable fee and subject to the provisions of section 333.[121]330, RSMo.

[(20)] (17) An applicant shall meet the requirements of the board for licensure within five (5) years of his/her graduation from an accredited [institution] **program** of mortuary science. If the applicant fails to meet the requirements of the board within the required time, a new application and applicable fees shall be filed with the board and the applicant shall be required to **meet the requirements for licensure [appear for the oral examination]** within five (5) years of the new date of application. No previous practicum, apprenticeship [,] **or application [, or Missouri Law section]** will be considered for a new application. However, the successful examination results of the National **or Missouri [Board] Funeral Service Arts [section] examination [and] the National Board Funeral Service Science [section] examination, and the Missouri Law examination, if applicable, developed and furnished by the International Conference of Funeral Service Examining Boards, Inc.,** or designee of the board will be accepted.

[(21)] (18) A Missouri licensed embalmer may engage in the practice of embalming in the state of Missouri only in Missouri licensed funeral establishments **licensed for embalming**. Each embalmer shall inform the board in writing of each funeral establishment name(s), location(s), and license number(s) where the embalmer is performing embalming.

[(22)] (19) A Missouri licensed embalmer has the ongoing obligation to keep the board informed if the licensee has been finally adjudicated or found guilty, or entered a plea of guilty or nolo contendere, in a criminal prosecution under the laws of any state or of the United States, whether or not sentence was imposed. This information shall be provided to the board within thirty (30) days of being finally adjudicated or found guilty.

A. An embalmer has an ongoing duty to notify the board of any funeral establishment where that embalmer engages in the regular practice of embalming as an employee or as an independent contractor.

B. An embalmer who performs an embalming at a location where he or she is not an employee shall note in the embalming log, in addition to any other requirements, the name and address of his or her employer or if he or she is self-employed.

C. An embalmer shall inform the board of the funeral establishment where he or she is performing embalming by any type of written document that may be mailed, faxed or e-mailed to the board office.

D. An embalmer may be exempted from the notice requirement of this rule if he or she performs embalming on an occasional basis at a funeral establishment where he or she is not employed, not to exceed 5 bodies embalmed per establishment per calendar year.

[(23)] (20) Any embalmer licensed by the board in the state of Missouri who wishes to become a licensed funeral director shall be required to comply with all requirements necessary for licensure as a funeral director, except, the Missouri licensed embalmer shall be exempt from the requirement of a funeral director apprenticeship.

[(24)] (21) Should an individual desire to obtain a Missouri embalmer's license after his/her license has become void under section 333.081.3, RSMo, the individual shall be required to make application, obtain a passing grade on the embalmer examination, **if applicable**, and shall be required to complete a six (6) consecutive month period of apprenticeship, during which time [s/he] **he/she shall devote at least thirty (30) hours per week to his/her duties as an apprentice embalmer and** be required to embalm at least twelve (12) dead human bodies under the supervision of a Missouri licensed embalmer. The applicant shall be required to pay the current applicable apprenticeship and application fees to obtain a new embalmer's license under this section. No previous apprenticeship, application[,], or examination, **if applicable**, will be considered for a new application under this section. However, the successful examination results of the National Board Funeral Service Arts **[section] examination, [and] the National Board Funeral Science [section] examination and the Missouri Law Section (if applicable) developed and furnished by the International Conference of Funeral Service Examining Boards, Inc.,** or designee of the board will be accepted.

[(25) After successful completion of the embalmer's examination and the embalmer apprenticeship as provided in these rules, the embalmer applicant shall appear for the oral examination at a location specified by the board. To arrange for the oral examination, the embalmer applicant shall submit an application of a form supplied by the board and pay the applicable fees to the board. Applicants shall successfully pass the oral examination administered by the board for licensure.

(26) All certificates, registrations, and licenses, or duplicate copies thereof, issued by the State Board of Embalmers and Funeral Directors shall be displayed at all times in a conspicuous location accessible to the public in each office or place of business where they work, for inspection by any duly authorized agent of the board.

(27)] (22) The rules in this division are declared severable. If any rule, or section of a rule, is held invalid by a court of competent jurisdiction or by the Administrative Hearing Commission, the remaining provisions shall remain in full force and effect unless otherwise determined by a court of competent jurisdiction or by the Administrative Hearing Commission.

AUTHORITY: sections 333.041, 333.081, [and 333.121, RSMo Supp. 2008, section] 333.091, [SB 1, Ninety-fifth General Assembly 2009, and section 333.111,] and 43.543, RSMo[2000] Supp2009.* This rule originally filed as 4 CSR 120-2.010. Original rule filed Oct. 17, 1975, effective Oct. 28, 1975. Refiled March 26, 1976. Amended: Filed Aug. 16, 1976, effective Dec. 11, 1976. Amended: Filed April 6, 1978, effective July 13, 1978. Emergency rule filed Nov. 9, 1978, effective Nov. 20, 1978, expired Feb. 11, 1979. Rescinded and readopted: Filed Nov. 8, 1978, effective Feb. 11, 1979. Rescinded and readopted: Filed Jan. 13, 1982, effective April 11, 1982. Rescinded and readopted: Filed Dec. 3, 1982, effective March 11, 1983. Amended: Filed July 17, 1989, effective Oct. 12, 1989. Amended: Filed March 26, 1991, effective Sept. 30, 1991. Amended: Filed Aug. 13, 1991, effective Jan. 13, 1992. Amended: Filed Oct. 16, 1991, effective Feb. 6, 1992. Amended: Filed Feb. 1, 1994, effective July 30, 1994. Amended: Filed Aug. 30, 1995, effective Feb. 25, 1996. Amended: Filed Dec. 22, 1997, effective June 30, 1998. Amended: Filed March 24, 1999, effective Oct. 30, 1999. Amended: Filed March 10, 2000, effective Sept. 30, 2000. Amended: Filed Nov. 1, 2001, effective April 30, 2002. Rescinded and readopted: Filed Dec. 31, 2003, effective July 30, 2004. Moved to 20 CSR 2120-2.010, effective Aug. 28, 2006. Amended: Filed Jan. 30, 2007, effective July 30, 2007. Amended: Filed July 22, 2009, effective Jan. 30, 2010.

*Original authority: 333.041, RSMo 1965, amended 1969, 1977, 1981, 1983, 1993, 1998, 2001; 333.081, RSMo 1965, amended 1981, 2001; 333.091, RSMo 1965, amended 1981, 2009; and 333.111, RSMo 1965, amended 1981, 1993, 1995; 333.121, RSMo 1965, amended 1981, 2007.

**Title 20-DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND
PROFESSIONAL REGISTRATION**

Division 2120-State Board of Embalmers and Funeral Directors

Chapter 3 – Preneed

PROPOSED RULE

What Constitutes Adequate Records for a Seller

- 1. A seller shall maintain a copy of each fully executed preneed contract and all records with regard to all preneed contracts related to the receipt, the deposit, the disbursement of preneed funds, and the performance of the preneed contract and to comply with applicable statutes and regulations.**
- 2. Adequate records for a seller to maintain shall include:**
 - A. For all preneed contracts:**
 - (1) A copy of the executed preneed contract;**
 - (2) A copy of all terms of the preneed contract;**
 - (3) A copy of any attachments, additions, or documents supplemental to the preneed contract;**
 - (4) Records related to the funding source for the preneed contracts, and**
 - (4) All other records required by law to be maintained.**
 - B. For trust and joint account funded preneed contracts:**
 - (1) Records showing the date and amount of the funds received by the seller’s agent;**
 - (2) Records showing the date and amount of funds received by the seller;**
 - (3) Records showing the date and amount of the funds deposited into any account and identifying the institution receiving the deposits and the account into which funds are deposited;**
 - (4) If funds for a preneed contract are paid by the consumer directly to the financial institution, the seller shall maintain, or be able to access, records from the financial institution showing the dates and amounts of each deposit and the name of the preneed contract beneficiary for each deposit made; and**
 - (5) Records showing any disbursement from a preneed trust or joint account for any purpose other than cancellation or fulfillment of a preneed contract with a description of the purpose for the disbursement, and the date, amount and to whom the payment was made.**
 - C. For insurance funded preneed contracts, if the seller or the seller’s agent receives payment from the consumer for the insurance:**
 - (1) Records that show the date, the name of the person paid, a description of any consumer payments received, and records showing any account into which those funds are deposited; and**
 - (2) Records showing the date, the name of the person or entity paid, and description of payments to any insurance company.**

D. For all fulfilled preneed contracts:

- (1) Records showing seller's performance for fulfilled preneed contracts including:**
 - (a) Written certificate(s) of performance for each preneed contract fulfilled;**
 - (b) Requests to the financial institution and/or insurance company for payment;**
 - (c) Evidence of the date the seller received the funds from the financial institution or insurance company;**
 - (d) The account from which the funds were paid to the seller; and**
 - (e) All other records showing the seller's performance of the preneed contract.**
- (2) Documentation showing payment to the provider by the seller including the name of the person or entity to whom payments were made, the date and amount of each payment, and a description of payment to the provider;**
- (3) Records showing payments made to the state of Missouri or to any other person including the amounts paid, the dates paid and the name of the person paid; and**
- (4) If the provider receives payment from an insurance company as the named beneficiary of an insurance policy, then the seller shall maintain the following records:**
 - (a) Records showing notice received from the insurance company or the provider that the preneed contract has been fulfilled; and**
 - (b) Records of any payment from the insurance company that the insurance company provides to the seller or that the seller obtains from the provider or any other source.**

E. For any cancelled preneed contracts:

- (1) All records providing any sort of notice to the seller of the cancellation of a preneed contract; and**
- (2) All records showing the date, name of who is paid, the amount paid out and a description of the type of payment made to any purchaser or any other person upon cancellation of any preneed contract, and the name and address to whom the payments were made.**

F. Copies of any agreements or contracts related to the practice of a preneed seller including, but not limited to, the following:

- (1) Preneed contracts;**
- (2) Trust agreements;**
- (3) trust administration agreements;**
- (4) Provider agreements;**
- (5) Preneed agent agreements,**
- (6) Insurance agreements,**
- (7) Insurance assignments;**
- (8) Insurance beneficiary designations;**
- (9) Investment advisors; and**
- (9) Any other contracts or other agreements between purchasers, beneficiaries, providers, sellers, agents, financial institutions, insurance companies, investment advisors and trustees related to preneed contracts or the holding of preneed funds;**

G. Copies of account statements for joint accounts, trust statements for trust accounts, and any statements received from insurance companies listing the insurance policies in effect and/or the status of any insurance policy that names the seller or the provider, on a preneed contract sold by the seller, as beneficiary or owner.

If these records are maintained in electronic format by the financial institution or insurance company, then the seller shall have the means to access those records and be able to provide the board with appropriate access to those records within the lawful bounds and authorities of the board;

- H. All information obtained or possessed by the seller related to any insurance policy used to fund any preneed contract that may include, but not be limited to, a copy of the insurance policy, any assignment or beneficiary designations, and the status of any insurance policy.**

Nothing in this regulation shall require the seller to affirmatively obtain records from the insurance company, but if the purchaser, beneficiary, insurance company, or any other person provides the seller with this information, the seller shall be required to maintain those records; and

- I. Any written (including electronic) communications between the seller and any preneed agent, provider, trustee, investment advisor, insurance company, purchaser and/or beneficiary of the preneed contract and any other person related to preneed contracts and the funding of those preneed contracts;**

- 3. All records required to be maintained by a seller may be maintained in paper or electronic or a combination of paper and electronic formats, but shall be maintained in a manner such that the required information may be retrieved and provided to the board in a timely manner, upon request in accordance with the statutes and regulations governing the board.**
- 4. The standards set forth in this rule are stated only as minimum standards. Each seller may maintain any records in addition to those set forth in this rule. In addition, if the board determines that it is unable to fulfill its statutory duties from the records maintained by any seller, the board may request records in addition to those listed in this rule so as to complete its statutory duties.**

20 CSR 2120-3.530 Seller Fees and Charges on Trust Funded Preneed Contracts

PURPOSE: This rule clarifies that Section 436.430.2 does not prohibit a seller from including in a preneed contract a fee or charge that is in compliance with the Federal Trade Commission's Funeral Rule.

- (1) A seller may include in a preneed contract any fee or any charge that is disclosed on the seller's general price list, and which has not been found by the Federal Trade Commission to violate 16 CFR Part 453.
- (2) Any fee or charge that is assessed as an additional cost to the consumer to control or limit the future purchase price of the goods or services described in the preneed contract shall be excluded from the Section 436.430.2 origination fee and from Section 436.430.3 sales expense, so that one hundred percent (100%) of such fee or charge is deposited to trust, and maintained in trust until the cancellation or performance of the contract.

*Original authority: 333.340, RSMo 2009; 436.430, RSMo 2009; and 436.520, RSMo 2009.

**MISSOURI
STATE BOARD OF EMBALMERS AND FUNERAL DIRECTORS

FINANCIAL EXAMINATION PROCEDURE HANDBOOK**

AUGUST 2016

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The following directives on pages 3-5 were approved by the board on January 6, 2016.

Board Directives for Preneed Seller Financial Examinations, beginning in 2016

After research, consultation with other agencies and utilizing in house resources, staff and counsel make the following recommendation for preneed seller financial exams to begin in January, 2016 and to continue until such time as the board determines it is necessary to amend these directives:

General Board Directives to Staff

1. Examinations are done to fulfill the board's statutory direction in Section 436.470, RSMo, to conduct financial examinations of each preneed seller at least once every 5 years.
2. Examinations are done within the scope of the board's statutory authority and to fulfill the board's purpose of protecting the public by ensuring that preneed sellers are complying with their statutory requirements and duties.
3. Examinations are done for the purpose of ensuring that sellers are safeguarding preneed funds and that the funds are properly utilized per contracts with the consumer and in accord with statutory requirements.
4. Staff shall work diligently and with good faith and fairness to ensure that each financial exam is conducted lawfully and with professional conduct to fulfill the board's directives.
5. Staff is directed to prepare a written financial exam procedures handbook to be used by all examiners in conducting financial examinations. Staff will provide the board an update as to the status of the procedural handbook at the fall 2016 meeting of the board.
6. Staff may request information from sellers, as authorized by statute, as part of any financial examination, may utilize techniques required to confirm information provided by sellers including contacting preneed contract purchasers to confirm payments made and utilizing any of the other statutory authorities granted to the board to ensure final reports on financial examinations are as accurate as possible. Staff may request information from sellers, consumers, from providers, from preneed agents, from banks and from other fiduciaries, but staff must seek board approval to utilize any court or administrative process to require any person to comply with any staff request for information.

Scope of Exams

7. For all preneed sellers, the examiners shall confirm:
 - a. Seller's seller license is current and active; (§ 333.320, RSMo)
 - b. Seller affirms that it has provided the board with copies of all preneed contracts, as requested; (§ 436.420, RSMo)
 - c. Preneed contracts meet the minimum statutory requirements; (§ 436.425, RSMo)
 - d. Seller maintains adequate records of preneed contracts and related agreements; (§436.465, RSMo)
 - e. Seller provides written notification to consumers of any change in funding source; (§436.425, RSMo)
 - f. Consumer funds are properly and timely deposited and consumer payments are tracked by the seller; (§§ 436.430,.450 and .456, RSMo)

- g. Seller has contracts with its providers and trustee; (§§ 333.320 and 436.420, RSMo)
 - h. Seller maintains its fulfilled contracts and related records for 5 years; (§ 436.465, RSMo)
 - i. Seller records confirm seller's reporting on annual reports; (§ 436.460, RSMo)
 - j. Seller properly handled cancellations or transfers in accordance with statute; (§ 436.456, RSMo)
 - k. Seller complies with statutes regarding payments at death of preneed beneficiary; (§§ 436.430, .450, .455, RSMo)
 - l. The examiner shall also note in the financial examination report any other findings that the seller is not in compliance with provisions of chapters 333, 436, RSMo, related to being a preneed seller;
 - m. Staff shall look at 100% of all active preneed contracts that have been sold since the last financial examination and may look at a sampling of other active and fulfilled preneed contracts, at the direction of the financial supervisor and executive director, as required to assure fulfillment of the general directives of the board as set forth in these guidelines.
8. For trust funded preneed contracts, the examiner shall also:
- a. Confirm that the trust agreement complies with statutory requirements found in chapters 333 and 436, RSMo;
9. For joint account funded preneed contracts, the examiner shall also:
- a. Confirm that joint accounts are under joint control of the seller and the purchaser; (§436.455, RSMo)
 - b. Confirm that 100% of consumer paid funds are in the joint account; (§436.455, RSMo)
10. For insurance funded preneed contracts, the examiner shall also:
- a. Confirm that the seller is not the owner of the insurance policy, for preneed contracts under the new law; (§ 436.450, RSMo)

Financial Examination Evaluation Procedures

1. For each financial examination, the examiner shall prepare a financial examination report with any necessary attachments to be submitted to the financial supervisor.
2. Upon receipt of a completed financial examination report, unless there is a need for immediate action as set forth in Sections 333.330.4 or 333.335, RSMo, board staff shall send a copy of that financial examination report to the licensee for response and the licensee shall be given at least 30 days to file a written response with the board. This response may dispute the findings and provide evidence to support the seller's response, it may present a plan to remedy the exceptions noted in the final examination report or it may provide any other response the seller wishes the board to consider.
3. After the response time has passed, the financial examination report and the licensee's response shall be considered by the examination committee*. The examination committee may take one of the following actions:
 - a. The committee may accept the financial examination report if it has no exceptions or if all exceptions have been resolved and direct staff to close the exam;
 - b. The committee may accept the seller's plan to resolve the exceptions and give the seller up to 18 months to resolve the exceptions, at the committee's discretion;
 - c. The committee may offer additional direction to the licensee as to what is required to resolve the exceptions and the committee may offer the licensee additional time to resolve the exceptions, but no longer than 18 months unless there are special circumstances, at the committee's discretion;
 - d. The committee may refer the financial examination report and the seller's response to the full board for further action.
4. The examination committee shall have no authority to seek any judicial action or to initiate any disciplinary process.
5. Upon direction by either the examination committee or the full board to close a financial examination, board staff shall provide the seller with a written notice that the exam has been closed.

End of directives

* Financial Examination Committee is official name of committee

Implementation

The following outlines staff implementation of the board's directives.

1. PRE ONSITE VISIT

- A random selection of preneed sellers is created using electronic means.
- From that random selection, examination notification letters are mailed to sellers, requesting specific information within thirty (30) days of letter date. Examination information is received in office and scanned for use by the examiners.
- Examiner supervisor assigns examination to examiner via email, pursuant to section 436.470.3.
- Examiner records scanned information from seller into a working document, including details of the contracts as provided, and conducts preliminary analysis of this information prior to the onsite visit.
- Upon completion of the preliminary analysis, examiner contacts seller to schedule the onsite visit.

2. ONSITE VISIT

- Examiner meets with person in charge or their representative to determine location of preneed contracts and related information, as well as the assigned work area. (See Preliminary Interview steps below.)

Preliminary Interview

The examiner may ask, at a minimum, the following questions in order to obtain sufficient information about the seller's practices.

1. Where are the files located?
 2. Who is the contact person for questions during and after the onsite visit?
 3. What are the funding sources used in the past and currently used, including specific names of trust companies, financial institutions, and insurance companies.
 4. How does seller handle cancellations and transfers (if this information was not already provided in the random examination information)?
 5. Discuss and provide the Financial Examination Attestation document and explain its purpose.
 6. Have seller's preneed contracts changed since the last examination?
 7. Ask for consumer payment information and current bank/trust/insurance reports, if not already provided previously.
- Examiner reviews contract files, following specific steps (listed under Scope of Examinations).
 - Examiner explains and obtains seller's signature on "Financial Examination Attestation" form (sample on page 12-13), which states that the seller has not used any preneed contracts as collateral or security for a loan, and that the seller has provided access to all records necessary to conduct the examination.
 - Examiner explains the current status of examination process to the seller's representative, including the possibility of a consumer letter mailing.

3. POST ONSITE VISIT

- Examiner creates a listing of those consumers randomly selected for consumer letters.
 - A. Criteria for consumer letters, which applies only to contracts that are trust funded and joint account funded: send to 100% of those still making payments or some evidence of a less than full payment, 5% of those already paid in full, and 100% of those with contracts but no payment made (that are still considered valid contracts and not just consumer “wishes” lists). Consumer letters are only derived from joint account-funded contracts or trust accounts when the trust is owned by the seller. Insurance-funded contracts and contracts through other sellers are NOT included in the consumer letter mailing, as well as no letters for pre-1982 contracts.
 - B. Discrepancies from consumers are noted (examiner to refer to seller for explanation prior to writing up report).
 - C. If no contact is made by the consumer, the examiner assumes the consumer considers the information as correct.
- Examiner conducts further analysis of data.
- Examiner contacts seller or visits again to discuss any concerns/discrepancies, sending list of any questions to seller.
- Examiner prepares final examination report.

4. POST ONSITE EVALUATION

- Final examination report is reviewed by examiner supervisor and executive director.
- Unless there is a need for immediate action as set forth in sections 333.330.4 or 333.335, RSMo, board staff will send a copy of the financial examination report to the seller and the seller is given at least 30 days to provide a written response to the board. The response may dispute the findings and provide evidence to support the seller’s response, it may present a plan to remedy the exceptions noted, or it may provide any other response the seller wishes the board to consider.
- Examination report and seller’s response is reviewed by the financial examination committee (committee), who may take one of the following actions:
 - a. Accept the final examination report if it has no exceptions or if all exceptions have been resolved and direct staff to close the exam;
 - b. Accept the seller’s plan to resolve the exceptions and give the seller additional time (up to 18 months) to resolve the exceptions, at the committee’s discretion;
 - c. Offer additional direction to the seller as to what is required to resolve the exceptions and the committee may offer the seller additional time to resolve the exceptions, but no longer than 18 months unless there are special circumstances, at the committee’s discretion;
 - d. Refer the financial examination report and the seller’s response to the full board for further action.
- The committee shall have no authority to seek any judicial action or to initiate any disciplinary process.
- Upon direction by either the committee or the full board to close a financial examination, board staff shall provide the seller with a written notice that the financial examination has been closed.

5. SCOPE OF FINANCIAL EXAMINATION

A. General

For all preneed sellers, the examiners shall confirm:

- 1) Seller license is current and active;
- 2) Seller affirms it has provided the board with copies of all preneed contracts by signing the Financial Examination Attestation form;
- 3) Preneed contracts meet the minimum statutory requirements (Section 436.425);
- 4) Seller maintains adequate records of preneed contracts and related agreements;
- 5) Seller obtains written consent from purchaser of any change in funding type for contracts after August 28, 2009;
- 6) Consumer funds are properly and timely deposited and consumer payments are tracked by the seller. Examiner will conduct a sampling of consumer payments (5% of contracts entered since previous exam) to check for timeliness of deposits, depending on the funding source, as required by statutes. (Trust payments must be deposited within 60 days of receipt, insurance payments must be remitted within 30 days of receipt, and joint account funds must be deposited within 10 days of receipt);
- 7) Seller has contracts with its providers and trustee; (examiner will confirm the existence of trust agreements and any agreements with providers, if applicable)
- 8) Seller maintains its fulfilled contracts and related records for 5 years;
- 9) Seller records are in agreement with seller's reporting on annual reports;
- 10) Seller properly handled cancellations or transfers in accordance with statute;
- 11) Seller complies with statutes regarding payments at death of preneed beneficiary;
- 12) The examiner shall also note in the financial examination report any other findings that the seller is not in compliance with provisions of chapters 333, 436, RSMo, related to being a preneed seller;
- 13) Staff shall look at 100% of all active preneed contracts that have been sold since the period covered under the last financial examination and may look at a sampling of other active and fulfilled preneed contracts, at the direction of the executive director and examiner supervisor, as required to assure fulfillment of the general directives of the board as set forth in these guidelines.

B. Applicable To All Contracts

- 1) During on-site visit, examiner is to review the actual contract file, checking for the following below, and also recording any additional contracts found onsite but not previously provided to ensure compliance with statutory requirements of Section 436.425 RSMo. (*Note: it is acceptable for seller to use the preprinted contract numbers stamped on the contract, such as standard preneed contracts from an insurance company or other seller*) Each contract shall clearly and conspicuously:
 - a) Be in writing and in a font type and size that are easily read.
 - b) Be sequentially numbered (Examiner will ask seller about their sequential numbering system if clarification is necessary.)
 - c) Include the name, address and phone number of the purchaser, beneficiary, provider and seller;
 - d) Identify the name, address, phone and license number of the provider and the seller;
 - e) Set out in detail the disposition, funeral and burial services and facilities, and merchandise requested, which could include that specifics will be determined at a later date or similar wording;

- f) Identify the funding source as either trust funded, insurance funded, or joint account funded (examiner will also confirm that the contract wording for funding is in agreement with the actual funding source);
 - g) Include notice that the cancellation of the contract shall not cancel any life insurance funding the contract, and that insurance cancellation is required to be made in writing to the insurer;
 - h) Include notice that the purchaser will only receive the cash surrender value of any insurance policy funding the contract if cancelled after a designated time, which may be less than the amount paid into the policy;
 - i) Include notice that the board provides by rule that the purchaser has the right to transfer the provider designation to another provider;
 - j) Prominently identify whether the contract is revocable or irrevocable;
 - k) Set forth the terms for cancellation by the purchaser or by the seller;
 - l) Identify any preneed trust or joint account into which contract payments shall be deposited, including the name and address of the corresponding trustee or financial institution;
 - m) Include the name, address and phone number of any insurance company issuing an insurance policy used to fund the preneed contract;
 - n) Include the name and signature of the purchaser, the provider or its authorized representative, the preneed agent responsible for the sale of the contract, and the seller or its authorized representative;
 - o) Prominently identify whether the contract is a guaranteed or nonguaranteed contract;
 - p) Include any applicable consumer disclosures required by the board by rule;
 - q) Include a disclosure on all guaranteed installment payment contracts informing the purchaser what will take place in the event the beneficiary dies before all installments have been paid, including an explanation of what will be owed by the purchaser for the funeral services in such an event;
 - r) Comply with the provisions of sections 436.400 to 436.520 or any rule promulgated thereunder.
- 2) Examiner will collect copies of any documentation to support any exceptions.
 - 3) For any contract information previously provided by the seller on a printed report (trust report, insurance report, or bank account listing), examiner will compare previously reported information to the actual contract for consumer name, contract amount, consumer payments, etc. and note any differences. Examiner will note any contracts listed on trust, insurance or bank reports but contracts not found onsite, as well as any contracts found onsite but with no supporting funding source as noted in the contract. Examiner will also compare preneed contracts located onsite to preneed contracts listed on the annual renewals.
 - 4) Examiner will also record any additional contracts found onsite but not previously provided, as well as noting any insurance policies naming the seller as beneficiary, or assignee but lacking a preneed contract.
 - 5) Examiner will conduct a sample of cancelled contracts (minimum of 5, or all if less than 5 available) to ensure that cancellations were handled in accordance with statutes (section 436.456 for consumer cancellations and section 436.457 for seller cancellations).
 - 6) Examiner will conduct a sample of payments upon death of beneficiary (5%, minimum of 10 or all if less than 10 available, of fulfilled contracts), to ensure compliance with statutes.

- 7) Examiner will conduct a sample of consumer payments (5%, minimum of 20 or all if less than 20 available, of contracts entered since previous exam) to confirm timeliness of deposits by the seller.

C. Applicable to Trust Funded Preneed Contracts

- For trust funded contracts sold prior to August 28, 2009, seller could request trustee to distribute to the seller an amount up to 20% of the face value of the contract.
- For trust funded contracts sold after August 28, 2009, seller can request trustee to distribute to the seller an amount up to 15% of the face value of the contract, after 15% of consumer payments are made.
- Examiner's work product will include a calculation of the amount that should be in trust, taking into account the amount of consumer payments and allowable retainage percentage. This amount will be compared to the amount of deposits into the trust accounts, and any corresponding shortages will be noted and later forwarded to the seller for explanation.
- Examiner will also verify that while funds relating to two or more contracts may be deposited into and commingled in the same preneed trust, the trustee must maintain records to separately identify the payments, earnings, and distributions for each preneed contract.
- Examiner will confirm the existence of trust agreements, verifying that the seller is listed as the grantor and the financial institution is listed as the trustee.

D. Applicable to Joint Account Funded Preneed Contracts

- Examiner's work product will include a comparison of funds paid by the consumer to the amount held in the bank account on the consumer's behalf.
 - Funds are allowed to be held in savings accounts, checking accounts, passbooks, certificates of deposit, etc.
 - Funds deposited in the bank account must be at least as much as the total consumer payments. Any shortages will be noted and later forwarded to the seller for explanation.
- Examiner will verify that each consumer's funds are held in separate bank accounts.
- Examiner will also verify (by means of a written attestation received from each financial institution used by the seller) that the accounts are under joint control of the seller and consumer. If such joint control confirmation is not received from the financial institution through the initial receipt of examination information prior to the onsite, examiner will request seller to obtain such written confirmation from all financial institutions holding consumer funds.
- Titling of accounts is not specifically reviewed, but examiner will make inquiries for any questions.

E. Applicable to Insurance Funded Preneed Contracts

- A preneed contract is required in situations where seller has written documentation from an insurance company indicating they are the owner, beneficiary, or assignee of an insurance policy.
 - For contracts entered after August 28, 2009, the seller or provider must be named as the beneficiary or assignee of the life insurance policy funding the contract.

- For contracts entered prior to August 28, 2009, the seller was allowed to be the owner of the policy, but seller is prohibited from being the owner of the policy for contracts after August 28, 2009.
- If seller collected payments from the purchaser, payments shall be promptly remitted to the insurer pursuant to Section 436.450.3.
- If the seller is provided with an affiliated insurance report, the examiner will confirm that the report matches the preneed contracts.

F. Contracts of Other Sellers

- The examination process will include a review of any contracts held by other sellers for which the examined seller is provider.
- Any preneed contracts listed on such outside seller reports but not found onsite will NOT be noted, while any outside seller contracts found onsite but not listed on the affiliated report will be noted, taking into account any differences due to cutoff period of the contract report.
- Examiner will later send a letter to the outside seller, asking for confirmation of those contracts found onsite but not listed on the contract report.

G. Other

Chapter 436 vs 214: Prior to August 28, 2010, all preneed sales had to be under Chapter 436; cemeteries could only sell monuments/markers. If contract is prior to August 28, 2010, it is treated as all Chapter 436 except monuments, markers, and grave spaces. For contracts written after August 28, 2010, if the contract mentions 436 or states it is a 436 contract, then the entire contract is treated as under 436. If the contract (after August 28, 2010) is silent as to being 436 or 214, the examiner will analyze all pertinent facts to determine whether it is 436 or 214.



STATE OF MISSOURI
DIVISION OF PROFESSIONAL REGISTRATION
FINANCIAL EXAMINATION ATTESTATION

STATE BOARD OF EMBALMERS AND FUNERAL DIRECTORS
 3605 MISSOURI BOULEVARD
 P.O. BOX 423
 JEFFERSON CITY, MO 65102
 TELEPHONE (573) 751-0813
 TTY (800) 735-2966 • FAX (573) 751-1155

I. INSTRUCTIONS

Please read the below statements and page 2 of this attestation prior to signing the form.

II. GENERAL INFORMATION

SELLER NAME (PRINT FULL NAME)

SELLER ADDRESS (CITY, STATE, ZIP)

SELLER LICENSE NUMBER (REQUIRED)

III. LOAN COLLATERAL AFFIDAVIT (STATUTORY REFERENCES ARE AVAILABLE ON THE REVERSE SIDE OF THIS FORM)

As a preneed seller, I attest to the following:

As of August 29, 2009, this seller has not used any preneed contracts as collateral or security pledged for a loan, nor have we taken any preneed funds of any existing preneed contract as a loan for any purposes. Further, we have not procured or accepted a loan against any investment, joint account, or insurance contract used to fund a preneed contract.

SIGNATURE OF SELLER REPRESENTATIVE

DATE

PRINTED NAME AND TITLE OF PERSON SIGNING ON BEHALF OF SELLER

IV. RECORD ACCESS AFFIDAVIT (STATUTORY REFERENCES ARE AVAILABLE ON THE REVERSE SIDE OF THIS FORM)

As a preneed seller, I attest to the following:

To the best of my knowledge, I have provided the State Board of Embalmers and Funeral Directors full and complete access to all records necessary for the board to conduct a financial examination of the books and records of this seller.

SIGNATURE OF SELLER REPRESENTATIVE

DATE

PRINTED NAME AND TITLE OF PERSON SIGNING ON BEHALF OF SELLER

Below are listed the statutory references relating to the affidavits in sections III and IV on the reverse side of this page. Prior to signing the affidavits on the reverse, please read the below.

LOAN COLLATERAL STATUTORY REFERENCES

Statute 436.435.6 Compliance of contracts entered into prior to effective date—investment of trust property and assets--loans against assets prohibited:

No seller, provider, or preneed agent shall procure or accept a loan against any investment or asset of or belonging to a preneed trust. As of August 29, 2009, no preneed seller, provider, or agent shall use any existing preneed contract as collateral or security pledged for a loan or take preneed funds of any existing preneed contract as a loan or for any purpose other than as authorized by this chapter.

Statute 436.450 Insurance-funded preneed contract requirements:

436.450.2 As of August 29, 2009, no preneed seller, provider, or agent shall use any existing preneed contract as collateral or security pledged for a loan or take preneed funds of any existing preneed contract as a loan for any purpose other than as authorized by this chapter.

436.450.4 It is unlawful for a seller, provider, or preneed agent to procure or accept a loan against any insurance contract used to fund a preneed contract.

Statute 436.455.7 Joint account-funded preneed contract requirements:

Any seller, provider, or preneed agent shall not procure or accept a loan against any investment, or asset of, or belonging to a joint account. As of August 28, 2009, it shall be prohibited to use any existing preneed contract as collateral or security pledged for a loan, or take preneed funds of any existing preneed contract as a loan or for any purpose other than as authorized by this chapter.

RECORDS ACCESS STATUTORY REFERENCES

333.101 Places of business may be inspected.

333.101. The board or any member thereof or any agent duly authorized by it may enter the office, premises, establishment or place of business of any licensee or registrant, or any office, premises, establishment or place where the practice of funeral directing, embalming, preneed selling or providing is carried on, or where such practice is advertised as being carried on for the purpose of inspecting said office, premises or establishment and for the purpose of inspecting the license and registration of any licensee or registrant and the manner and scope of training given by the licensee or registrant to the apprentice operating therein.

436.470 Complaint procedure--violation, attorney general may file court action

436.470.2. The board shall have authority to conduct inspections and investigations of providers, sellers, and preneed agents and conduct financial examinations of the books and records of providers, sellers, and preneed agents and any trust or joint account to determine compliance with sections 436.400 to 436.520, or to determine whether grounds exist for disciplining a person licensed or registered under sections 333.310 to 333.340, at the discretion of the board and with or without cause. The board shall conduct a financial examination of the books and records of each seller as authorized by this section at least once every five years, subject to available funding.

436.470.6. The person conducting the inspection, investigation, or audit may enter the office, premises, establishment, or place of business of any seller or licensed provider of preneed contracts, or any office, premises, establishment, or place where the practice of selling or providing preneed funerals is conducted, or where such practice is advertised as being conducted for the purpose of conducting the inspection, investigation, examination, or audit.

7.. Upon request by the board, a licensee or registrant shall make the books and records of the licensee or registrant available to the board for inspection and copying at any reasonable time, including, any insurance, trust, joint account, or financial institution records deemed necessary by the board to determine compliance with sections 436.400 to 436.520.

8. The board shall have the power to issue subpoenas to compel the production of records and papers by any licensee, trustee or registrant of the board. Subpoenas issued under this section shall be served in the same manner as subpoenas in a criminal case.

9. All sellers, providers, preneed agents, and trustees shall cooperate with the board or its designee, the division of finance, the department of insurance, financial institutions and professional registration, and the office of the attorney general in any inspection, investigation, examination, or audit brought under this section.

436.485 Violations, penalties.

436.485.1. Any person, including the officers, directors, partners, agents, or employees of such person, who shall knowingly and willfully violate or assist or enable any person to violate any provision of sections 436.400 to 436.520 by incompetence, misconduct, gross negligence, fraud, misrepresentation, or dishonesty is guilty of a class C felony. Each violation of any provision of sections 436.400 to 436.520 constitutes a separate offense and may be prosecuted individually. The attorney general shall have concurrent jurisdiction with any local prosecutor to prosecute under this section.

436.485.2. Any violation of the provisions of sections 436.400 to 436.520 shall constitute a violation of the provisions of section 407.020. In any proceeding brought by the attorney general for a violation of the provisions of sections 436.400 to 436.520, the court may order all relief and penalties authorized under chapter 407 and, in addition to imposing the penalties provided for in sections 436.400 to 436.520, order the revocation or suspension of the license or registration of a defendant seller, provider, or preneed agent.